



# Independent Evaluation Report 2022

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# PART I

## INTRODUCTION





## 1.1 Foreword

It was a privilege to undertake the 2022 Independent Evaluation for the Independent Commission for Human Rights of Palestine (ICHR).

The ICHR is a truly impressive national human rights institution (NHRI) that demonstrates the potential and real value of an NHRI in even the most difficult of environments. It successfully integrates the roles of both Ombudsman and NHRI.

The Terms of Reference (TORs) for this evaluation are evidence of the ICHR's willingness to subject itself to the most rigorous of reviews, as it did in 2016 and 2019. Equally significant is the extent to which, as this report shows, the ICHR has implemented the recommendations of those earlier reviews. This Evaluation has drawn on those reviews and this report affirms the ongoing relevance of their recommendations.

This report concludes that, with all the improvements made over the last six years, it should consolidate and build on its strong foundations. Further, it is now time to extend its strategic plan from three to five years, with an internal midterm review and a subsequent independent evaluation every five years. This will provide a more realistic timeframe for implementation and achieving outcomes.

The Evaluation team members combined extensive experience with national human rights institutions, participation in an earlier evaluation, and in-depth knowledge of the Palestinian context as a local human rights activist. We brought our knowledge and expertise to the process, but we also learned much from the ICHR leadership, staff and those they engage with in the Palestinian community - best practice examples that we can share with other NHRIs.

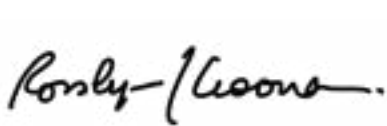
We are enormously grateful for the warm welcome and comprehensive support we received from the ICHR leaders and staff. We benefitted from the openness with which staff members, Palestinian officials and their departments, and civil society organisations, including those in Gaza, engaged with us, as did international agencies and the members of the donor consortium. We acknowledge them throughout the report.

Especial thanks are due to Commissioner General Mr. Issam Abualhaj Aruri, Director General Dr Ammar Al-Dwaik, Deputy Director General & Regional Director, Gaza, Mr. Jamil Sarhan. Further, two staff members were

crucial to the success of the evaluation: Ms. Ola Adawi, International Relations and Development Programme Officer, and Ms. Heba Farid, Monitoring, Evaluation, Learning and MIS Officer. The documentation we had access to, thanks to them, was extensive and impressive.

We hope this report will reinforce for Commissioners, the Director-General and the staff the critical importance of their work, knowing that it is deeply valued by the people of Palestine and increasingly recognised around the world.

May the ICHR continue to be a model for national human rights institutions everywhere.



Rosslyn Noonan  
Team leader



Ash Bowe



Mahmoud Al Afranji



## 1.2 Abbreviations

<b>APF</b>	Asia Pacific Forum of National Human Rights Institutions
<b>APT</b>	Association for the Prevention of Torture
<b>CA</b>	Capacity Assessment
<b>CAT</b>	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CED</b>	Convention for the Protection of All Persons from Enforced Disappearance
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination Against Women
<b>CERD</b>	Convention on the Elimination of all forms of Racial Discrimination
<b>CMW</b>	International Convention on Protection of the Rights of Migrant Workers and Members of Their Families
<b>CRC</b>	Convention on the Rights of the Child
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>CSO</b>	Civil Society Organisation
<b>DIHR</b>	Danish Institute for Human Rights
<b>DMIS</b>	Document and Management Information System
<b>ESC</b>	Economical Social and Cultural (Rights)
<b>HRBA</b>	Human Rights Based Approach
<b>GANHRI</b>	Global Alliance of National Human Rights Institutions
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICHR</b>	Independent Commission for Human Rights
<b>MOFA</b>	Palestinian Ministry of Foreign Affairs
<b>MOU</b>	Memorandum of Understanding
<b>NCG</b>	National Consensus Government of the State of Palestine
<b>NGO</b>	Non-Governmental Organisation
<b>NHRI</b>	National Human Rights Institution
<b>NPM</b>	National Preventive Mechanism under OPCAT
<b>NMIRF</b>	National Mechanism for Implementation, Reporting and Follow-Up
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>OPCAT</b>	Optional Protocol to the Convention against Torture
<b>OPT</b>	Occupied Palestinian Territory
<b>PLC</b>	Palestinian Legislative Council
<b>PNA/PA</b>	Palestinian National Authority/Palestinian Authority
<b>PCBS</b>	Palestinian National Bureau of Statistics
<b>PCC</b>	Palestinian Constitutional Court
<b>PLC</b>	Palestinian Legal Council
<b>SCA</b>	Sub-Committee on Accreditation of the GANHRI
<b>SAACB</b>	State Audit & Administrative Control Bureau
<b>SDGS</b>	Sustainable Development Goals
<b>UPR</b>	Universal Periodic Review



## 1.3 Executive Summary

### The Evaluation

The Independent Commission on Human Rights of Palestine (ICHR) has contracted independent evaluations every three of the last nine years and even earlier. In May 2002 it called for expressions of interest for this year's evaluation. The terms of reference were extensive and detailed. They stated that the purpose of this evaluation is "to assess the overall achievement of the ICHR's three-year (2020-2022) Strategic Plan and quality of implementation as well as the overall impact of the Strategy by reviewing ICHR's program activities and inter-institutional coordination undertaken during the period under review."

It further stated that, "(t)he evaluation shall be two-fold:

- Assess the relevance of ICHR program activities and structures to the goal of consolidating and strengthening the role of ICHR as the Palestinian national institution for human rights with the function of an ombudsman, considering Palestine accession to a number of international conventions and treaties; and
- Assess how appropriate ICHR's management, organisational structures and systems are for the implementation of its legal mandate and strategic plan, in consideration that ICHR shall play an important role in establishing the National Prevention Mechanism".

An evaluation team of three was selected. The Evaluation team members combined extensive experience with national human rights institutions, participation in an earlier evaluation, and in-depth knowledge of the Palestinian context as a local human rights activist. The team received comprehensive support from the ICHR leaders and staff and benefitted from the openness with which staff members, Palestinian officials and their departments, and civil society organisations, including those in those in the Gaza, engaged with the evaluation, as did international agencies and the members of the donor consortium.

The team expressed especial thanks to Commissioner General Mr. Issam Abualhaj Aruri, Director General Dr Ammar Al-Dwaik, Deputy Director General & Regional Director, Gaza, Mr. Jamil Sarhan. Further, two staff members were crucial to the success of the evaluation: Ms. Ola Adawi, International Relations and Development Programme Officer, and Ms. Heba Farid, Monitoring, Evaluation, Learning and MIS Officer. The documentation available for the evaluation was extensive and impressive.

## Methodology

The methodology followed that outlined in the terms of reference, namely, a literature review; interviews and focus group discussions; with the edition of questionnaires for Commissioners and staff. It was participatory and inclusive of both quantitative and qualitative data and analysis.

The 2022 Independent Evaluation has examined the performance of ICHR, as required by the terms of reference, in relation to the five Key Outcomes / Results Areas of the 2020-2022 Strategic Plan, namely:

- Promotion of measures of prevention, protection, accountability and redress
- Promotion of a national legislative, policy and institutional framework upholding human rights, in conjunction with Sustainable Development Goals (SDGs)
- Promotion and dissemination the culture of human rights
- Promotion of regional and international cooperation
- Promotion ICHR institutional development and sustainability

## Overview

The findings summarised in the overview (2.1) and in the table below are the result of the many interviews, within ICHR and externally, the meticulous documentation available, direct observations of ICHR work and impact, and a questionnaire to all staff.

The conclusions are those of evaluation team, drawing on all the engagements and evidence required by the terms of reference.

The Table of Findings, Conclusions and Recommendations provides a brief rationale for each recommendation.

Sections 2-6 assess the ICHR performance in each of the five Key Outcome Areas of the 2020-2022 Strategic Plan. In those sections there is a brief overview and then specific achievements and challenges are highlighted.

## Conclusions

As the detailed account of the examination of its performance demonstrates in sections 2-6 of this report, the Independent Commission on Human Rights of Palestine is a high performing national human rights institution and Ombudsman's Office. It has successfully integrated the good governance mandate, that of the traditional Ombudsman's Office, and the human rights mandate that comes with its status as an A accredited national human rights institution. It continues to deal with complaints of maladministration with reference to existing Palestinian laws, regulations decrees and those of human rights violations measured against international human rights standards. It is using the promotion mandate of a national human rights institution – through awareness raising, education, capacity building and use of diverse communications tools - to build awareness and understanding of both good governance and human rights.

The quality of its performance is more notable for the fact that it is operating in a divided Palestine under Israeli Occupation. Its implementation of the recommendations of the 2016 and 2019 Evaluations and the Gender Audit reflects a leadership committed to rigorous monitoring, evaluation and learning, to continuous improvement.

Building on progress made since 2019, this report proposes a period of consolidation and an extension of the strategic planning cycle to five years to allow for a more realistic timeframe to achieve substantial outcomes, whether civil and political, economic, social or cultural rights; and to deepen its engagement with marginalised groups and communities.

The report provides evidence of its relevance, effectiveness and impact in each of the four programme Outcome areas. That evidence was reinforced for the evaluation team by the high regard in which ICHR is held by virtually all those it interviewed. A number of West Bank and Gaza Strip government agencies

described the value of engagement with ICHR, particularly in relation to awareness raising and education for their staff and sought an increase of such programmes.

At the macro level, the evaluation team was told by some civil society activists, government authorities and international contributors to the evaluation that the ICHR should extend its role to directly tackle Israeli Occupation violations of human rights and the West Bank – Gaza Strip divide. Some also advocated a more active role for ICHR in building international recognition of the detrimental impact of the Occupation on human rights in Palestine, indeed on every aspect of Palestinians' lives.

The evaluation team recognises that as the Occupation appears permanent and becomes ever more restrictive, these questions will persist. The ICHR Board is the appropriate decision-maker on such major strategic issues. On the basis of the evaluation, we greatly respect the ability of the ICHR Board on the recommendation of the Executive Committee to determine if and when change is required to the ICHR response to Occupation violations.

At this time, the 2022 evaluation team agrees with the 2016 and 2019 ICHR Evaluation Reports conclusion that the ICHR "has been successful in getting the balance right" between addressing the ways the Israeli Occupation impacts on human rights in Palestine while not allowing "its principal concern – the actions and omissions of the Palestinian authorities – to be overshadowed by responses to the Occupation".

We are equally in agreement that "ICHR has also been successful in responding to the internal divisions in Palestine. It is now one of only two truly national Palestinian institutions. [The other is the Palestinian Central Bureau of Statistics.] It operates fully in both the West Bank and Gaza and deals effectively with both administrative authorities". It is clearly, however, outside the mandate of an Ombudsman or a National Human Rights Institution to resolve those divisions. What it can do, and is doing, is advocate for the urgently required national elections and other essential elements of a functioning, democratic state.

In terms of efficiency, institutional capacity, sustainability and risk management, Outcome 5, the evaluation acknowledges ICHR's considerable progress in the last three years, building on developments dating back to the 2016 Evaluation report and implementation of the recommendations of the 2019 Evaluation and the Gender Audit. As the recommendations show, there is opportunity, however, for further institutional strengthening.



## Table of Findings, Conclusions and Recommendations

Evaluation Findings	Conclusions	Recommendations
<i>Promoting measures of prevention, protection, accountability and redress</i>		
<i>Complaints</i>		
<ul style="list-style-type: none"> <li>• ICHR is generally highly respected for its complaints handling.</li> <li>• The development of a new user-friendly Management Information System is a key asset in analysing complaints trends and related data for decision-making.</li> <li>• Main issues: are lack of responses by authorities to some recommendations / delays caused in some cases by over-centralisation / in some cases accepting authorities response without providing complainant with human rights analysis.</li> </ul>	<ul style="list-style-type: none"> <li>• There is evidence of regional office capacity to handle 'regular' complaints.</li> <li>• Further delegation to regional offices would likely be more efficient, more effective for 'regular' complaints and free up central office resources for greater focus on most serious complaints and systemic issues and on tracking and following up recommendations.</li> </ul>	<p><b>Recommendation 1:</b> Through a consultative process involving the regional offices and central complaints division, develop a process for enhanced human rights analysis of regular and systemic complaints.</p> <p><b>Recommendation 2:</b></p> <p>(i) Extend delegated to authority to regional offices for handling 'regular' complaints unless they deem it to necessary to refer it to Central Office.</p> <p>(ii) Accompany extended delegation to regional offices to handle 'regular' complaints with capacity building, guidelines, updating of the Complaints Manual and supportive oversight.</p> <p><b>Recommendation 3:</b> To further build respect for the ICHR and demonstrate its objectivity, expand the complaint satisfaction evaluation process to assess respondent satisfaction as well as that of complainants and use this information as part of monitoring of the effectiveness of the regional delegated authority and increased human rights analysis of responses.</p>
<i>Detention Monitoring, Inspections &amp; a National Preventive Mechanism</i>		
<ul style="list-style-type: none"> <li>• ICHR provides comprehensive coverage of places of detention in the West Bank and Gaza, with monthly visits undertaken by field researchers to take complaints from detainees.</li> <li>• ICHR strategically focuses its efforts on marginalized groups and plays a leading role in advocating for their rights.</li> <li>• ICHR has credibility within the leadership of many places of detention, enabling them to effectively advocate for the resolution of human rights issues.</li> <li>• There are concerns within ICHR and across civil society about the independence and effectiveness of the proposed National Preventive Mechanism (NPM)</li> <li>• ICHR has developed a system for the inspection of places of detention that is consistent with that required of an NPM.</li> </ul>	<ul style="list-style-type: none"> <li>• ICHR needs to develop a strategy for the establishment of the NPM that accounts for the different possible scenarios which currently look likely.</li> <li>• ICHR should increase its detentions programme. In addition to its regular visits to collect and address complaints, it should establish a regular programme of inspections using the monitoring tool it has developed.</li> </ul>	<p><b>Recommendation 4:</b></p> <p>(i) Continue to expand ICHR coverage of marginalised groups and understanding of the specific issues faced by these groups in places of detention.</p> <p>(ii) Continue to advocate that the source of the risk posed to women detained for their protection be addressed, rather than having their right to liberty continuing to be restricted as a protection measure.</p> <p><b>Recommendation 5:</b> Ensure routine inspections and monitoring of all places of detention in Palestine through the following steps:</p> <p>(i) continue to advocate for ICHR to serve as the NPM</p> <p>(ii) strengthen its own capacity to undertake comprehensive, systemic inspections and monitoring through its field researchers. In addition to monthly visits to receive complaints, also programme comprehensive monitoring inspections during the year</p> <p>(iii) if advocacy efforts under (i) above fail, monitor the effectiveness of the established NPM, provide capacity building support, and increase or decrease its activities under (ii) depending on how effectively the NPM is undertaking its mandate.</p> <p><b>Recommendation 6:</b> Continue to advocate for unannounced access to all places of detention in the West Bank and in the Gaza Strip.</p>

<i>Building capacity of duty bearers</i>		
<ul style="list-style-type: none"> <li>• ICHR has a comprehensive training programme that is strategic and targeted.</li> <li>• The ICHR training programme achieves change in reducing violations in priority institutions.</li> <li>• ICHR undertakes pre and post training evaluations.</li> </ul>	<ul style="list-style-type: none"> <li>• MIS data could be utilized to better inform areas of focus for ICHR training interventions.</li> <li>• Sample long term evaluation of training participants will inform ICHR of the sustainability of their interventions.</li> <li>• Qualitative data collected (i.e. collecting stories and qualitative feedback from participants) could be used to better inform ICHR of their effectiveness and in promoting the work of the institution.</li> </ul>	<p><b>Recommendation 7:</b> Further strengthen capacity building and training by increasing use of institutional data to prioritise programme areas.</p> <p><b>Recommendation 8:</b> Enhance Monitoring &amp; Evaluation through longer-term follow-up and collection of qualitative as well as quantitative data and undertake one external evaluation of a capacity building or training programme per Strategic Plan cycle.</p> <p><b>Recommendation 9:</b> Increase external communication of outcomes through ICHR reports and social media.</p>
<i>Access to Justice</i>		
<ul style="list-style-type: none"> <li>• ICHR uses its strategic litigation function strategically and to great effect.</li> <li>• The independence and effectiveness of the Palestinian judiciary is under extreme duress, impacting on the enjoyment of human rights – primarily the right to a fair trial.</li> <li>• Whilst the current State of Emergency is not currently being used to infringe human rights in Palestine, there is questionable justification for its continuation.</li> </ul>	<ul style="list-style-type: none"> <li>• There is scope for ICHR to increase its use of strategic litigation to address systemic human rights issues</li> <li>• ICHR can play an important role in strengthening the judiciary, through direct capacity building and collaboration with civil society</li> <li>• To avoid future human rights violations, the current State of Emergency needs to be reviewed and brought to an end if it cannot be justified in line with the Siracusa Principles</li> </ul>	<p><b>Recommendation 10:</b></p> <p>(i) Make public the ICHR criteria for determining cases for strategic litigation, including:</p> <ul style="list-style-type: none"> <li>• severity of the human rights abuses</li> <li>• number and vulnerability of those suffering human rights violations</li> <li>• likelihood of success</li> <li>• risks to ICHR.</li> </ul> <p>(ii) Further develop the internal ICHR capacity to take on strategic cases that meet the criteria.</p> <p><b>Recommendation 11:</b> Continue to engage with initiatives to strengthen the independence and quality of the judiciary including through activation of the Legislative Monitoring Network, participation in the Harmonisation Committee, other advocacy channels.</p> <p><b>Recommendation 12:</b> Continue to advocate for the end of the State of Emergency.</p>
<i>Promoting a national legislative, policy and institutional framework upholding human rights, in conjunction with the SDGs</i>		
<i>Legislative Review &amp; Implementation</i>		
<ul style="list-style-type: none"> <li>• In the absence of the PLC, ICHR's role in the scrutiny of legislation and budgets is essential.</li> <li>• The long-term impact of ICHR's interventions in this area are unclear.</li> </ul>	<ul style="list-style-type: none"> <li>• There is the potential for ICHR to increase their influence in this area of work, through the Legislative Monitoring Network, Harmonisation Committee, Committee for National Budgetary Transparency and the National Mechanism for Implementation, Reporting and Follow-Up.</li> </ul>	<p><b>Recommendation 13:</b> Re-energise the Legislative Monitoring Network and utilise this, participation in the Harmonisation Committee, Committee for National Budgetary Transparency, and other advocacy channels to follow-up on recommendations made as a part of ICHR's legislative and budget reviews.</p>
<i>Thematic Investigations</i>		
<ul style="list-style-type: none"> <li>• The political void left by the absence of the PLC has required ICHR to increase its focus on thematic investigations to address systemic human rights</li> </ul>	<ul style="list-style-type: none"> <li>• Publicly communicating the criteria by which ICHR decides whether to instigate a thematic investigation or participate in a national process would increase its accountability and</li> </ul>	<p><b>Recommendation 14:</b> Publicly communicate the criteria for determining whether to join an official investigation or establish an independent process.</p> <p><b>Recommendation 15:</b> Undertake a National Public Inquiry during the next Strategic Plan cycle.</p>

<p>issues.</p> <ul style="list-style-type: none"> <li>• ICHR has demonstrated its excellence, ability to operate independently on sensitive matters, and broker solutions with authorities, often in partnership with civil society organisations.</li> <li>• There is a need for greater transparency around how ICHR determines which issues to investigate or participate in a national process.</li> </ul>	<p>independence as an NHRI</p> <ul style="list-style-type: none"> <li>• A full public national inquiry could elevate the status of, effectively address a large-scale systemic human rights issue and utilize the skills and advocacy of the Commissioners.</li> </ul>	
<i>Annual Report</i>		
<ul style="list-style-type: none"> <li>• ICHR's Annual Report plays an important role in the human rights discourse in Palestine and is a reference point for academics, civil society, diplomatic missions, and the Palestinian authorities themselves.</li> <li>• The Annual report is reliant on external data and does not draw upon ICHR's own institutional data.</li> <li>• ICHR does not have a systematic process for tracking implementation of the recommendations made in its annual plan and other thematic investigation reports.</li> </ul>	<ul style="list-style-type: none"> <li>• ICHR could increase its focus on follow-up to recommendations and establish a comprehensive tracking system, to ensure their recommendations are implemented.</li> <li>• ICHR could increase the evidential base of its annual report by drawing on internal data and statistics, including from the MIS as well as those from external sources.</li> </ul>	<p><b>Recommendation 16:</b></p> <p>(i) Establish a tracking system for ICHR's recommendations arising from thematic investigations, national inquiries, shadow reports, legislative and budget review, advocacy, and Annual Reports.</p> <p>(ii) Provide resources in strategic and annual planning for 2-3 years of active follow-up on recommendations in major thematic investigations and national inquiries.</p> <p>(iii) Propose an MOU with the Secretary of Ministries and any other relevant high-level authorities to regularly discuss implementation of ICHR's recommendations.</p>
<i>Advocacy</i>		
<ul style="list-style-type: none"> <li>• ICHR's advocacy campaigns are targeted at institutions and groups identified as priority using information from other divisions, such as complaints and detention monitoring.</li> <li>• An annual thematic priority identified, giving ICHR's advocacy a strategic and targeted focus.</li> <li>• Currently, Commissioners do not play a regular and active role in advocacy campaigns, but there is appetite within ICHR for this.</li> </ul>	<ul style="list-style-type: none"> <li>• The identification of the annual thematic priority could be undertaken in a participatory manner, to encourage ownership within the organization and among external stakeholders.</li> <li>• The experiences and standing of the Commissioners could be utilized to increase the impact of ICHR's advocacy campaigns.</li> </ul>	<p><b>Recommendation 17:</b> CBARD develop an advocacy plan structure appropriate to the thematic issues that ICHR adopts every year. This structure should identify its annual theme through a participatory approach, as well as its activities, and define each department's responsibilities, implementation mechanisms, its review and evaluation, and articulate a modification mechanism.</p> <p><b>Recommendation 18:</b> Encourage Commissioners to actively join ICHR advocacy campaigns.</p>
<i>Promoting and disseminating the culture of human rights</i>		
<i>Awareness Raising</i>		
<ul style="list-style-type: none"> <li>• Over the past three years, ICHR has worked to develop its guides and educational materials to incorporate and ensure gender mainstreaming.</li> <li>• ICHR has prepared internal tools to measure the impact of its awareness campaigns, although</li> </ul>	<ul style="list-style-type: none"> <li>• ICHR to continue to grow its institutional understanding of what constitutes effective awareness raising, through the delivery and evaluation of activities.</li> <li>• The impact of ICHR's awareness raising activities could be</li> </ul>	<p><b>Recommendation 19:</b> Initiate cumulative awareness campaigns, starting with the basics of human rights and freedoms, and then building on them with more detailed and specialised issues.</p> <p><b>Recommendation 20:</b> Encourage Commissioners to contribute more actively to ICHR awareness-raising campaigns.</p>

<p>this remains a challenge.</p> <ul style="list-style-type: none"> <li>Currently, Commissioners do not play a regular and active role in awareness activities, but there is appetite within ICHR for this.</li> </ul>	<p>increased by the strategic use of the Commissioners.</p>	
<i>Communications and Use of Media</i>		
<ul style="list-style-type: none"> <li>Since the restructuring of the public relations and media unit into a newly formed communications unit, ICHR has taken positive steps to improve its capacity within the unit and across the organisation.</li> <li>The launch of the new ICHR website and online complaints system is a notable achievement.</li> <li>To be fully effective in its communications, ICHR needs to develop institutional understanding of core audience groups.</li> <li>There is a view within ICHR that internal communications could be strengthened.</li> </ul>	<ul style="list-style-type: none"> <li>ICHR's recent strengthening of its communications capacity and output is commendable and should continue.</li> <li>To become more effective in its communications, ICHR could adopt a contextualized approach through the development of messaging that core audience groups can relate to and is not overly reliant on human rights legalese type language.</li> <li>The strengthening of internal communications would lead to increased coordination and morale.</li> </ul>	<p><b>Recommendation 21:</b> Increase external communications on ICHR outcomes through increased use of social media and the development of knowledge products.</p> <p><b>Recommendation 22:</b> Build capacity to adopt a 'Communications for Development' approach. Undertake a participatory audience analysis and develop key messages for ICHR relating to all core functions that draw links between human rights, Palestinian culture and faith, to be disseminated through communications, reports, advocacy, training and awareness raising.</p> <p><b>Recommendation 23:</b> Strengthen internal communications to build staff awareness of institutional activities and internal developments, and to build collaboration between the West Bank and Gaza strip offices.</p>
<i>-Education</i>		
<ul style="list-style-type: none"> <li>Government agencies in the West Bank and Gaza Strip expressed appreciation of the capacity building ICHR had provided to their staff.</li> <li>The most common request was for an ongoing and more in-depth programme to build human rights knowledge and the ability to integrate that knowledge into their daily work.</li> <li>ICHR's engagement with marginalised and disadvantaged communities to build their capacity to promote and protect the human rights of their people must be developed.</li> <li>The safety of women for example cannot be secured by the state alone, but by their communities recognising their human rights and committing to protecting them.</li> </ul>	<ul style="list-style-type: none"> <li>While acknowledging the sustainability challenges faced by ICHR, dependent as it is on external donors, should additional resources be available education, capacity building and advocacy are areas that would benefit.</li> <li>Regardless of additional resources, no national human rights institution can respond to all the requests, whether from government agencies, civil society organisations or community groups.</li> <li>The Paris Principles specifies a relationship of NHRIs with civil society organisations in order to extend the reach of their services and programmes.</li> </ul>	<p><b>Recommendation 24:</b> Divide the unit plan into two components, based on work methodology, tools and target group; A) capacity-building and education based on knowledge content and educational materials as a methodology, and B) awareness-raising and advocacy based on campaigns as a methodology.</p> <p><b>Recommendation 25:</b> CBARD should conduct face to face internal workshops to discuss and adopt its new awareness-raising and capacity-building strategy.</p> <p><b>Recommendation 26:</b> ICHR should train a group of external trainers that it can rely on as accredited service suppliers according to its standards.</p>
<i>Promoting regional and international cooperation</i>		
<ul style="list-style-type: none"> <li>ICHR is an active voice at the international level, making regular interventions at the Human Rights Council and leading regional dialogue through positions such as Chair of the Arab Network of</li> </ul>	<ul style="list-style-type: none"> <li>ICHR should continue to use its regional and international voice to bring Palestinian human rights issues to a wider audience.</li> </ul>	<p><b>Recommendation 27:</b> Lobby strategically the Palestinian Government and the National Committee for SDGs to adopt ICHR SDG zero initiative and collaborate with regional and international networks to develop a long-term international advocacy campaign to urge the UN to</p>

<p>NHRIs.</p> <ul style="list-style-type: none"> <li>• ICHR demonstrates innovation through its international cooperation work. An example of this is the SDG Zero initiative.</li> </ul>		<p>adopt this initiative.</p> <p><b>Recommendation 28:</b> Continue to engage with the Ministry of Foreign Affairs on the strategic case for the State of Palestine to join the Universal Periodic Review mechanism (UPR) at the United Nations</p> <p><b>Recommendation 29:</b> ICHR should communicate clearly its objectives when engaging internationally and regionally, including giving consideration to an aim such as “increase regional and international support for Palestinian human rights issues at the international level”.</p>
<b>Promoting ICHR institutional development and sustainability</b>		
<i>Independence and accountability</i>		
<ul style="list-style-type: none"> <li>• The development of the Management Information System (MIS) is one of the most significant achievements during the current strategic plan to impact on ICHR institutional development.</li> <li>• The monitoring capacity it provides enables ICHR to respond to internal issues at an early stage and to analyse complaints and related trends, contributing to both accountability and independence.</li> </ul>	<ul style="list-style-type: none"> <li>• The full potential of the MIS has not yet been realised. Extending it beyond complaints handling during the next strategic plan period will enhance ICHR’s access to internal data for programme planning.</li> </ul>	<p><b>Recommendation 30:</b> The evaluation team commends ICHR on its excellent work in developing and adopting the MIS, notes its contribution to ICHR accountability, and encourages continued institutional investment to realise its full potential.</p> <p><b>Recommendation 31:</b> Beyond consolidation, ICHR should expand MIS use across all divisions to provide comprehensive coverage of institutional programmatic information, using the same approach as with complaints by linking compliance with appraisals and providing the same level of support and training necessary for adoption.</p>
<i>Sustainability and finances</i>		
<ul style="list-style-type: none"> <li>• ICHR’s donor consortium model is Paris Principles compliant and provides financial security in the absence of contributions from the Palestinian Authority.</li> <li>• ICHR has established effective project-based funding arrangements to further strengthen its financial independence and organizational effectiveness.</li> </ul>	<ul style="list-style-type: none"> <li>• ICHR should continue to strengthen its relationship with the donor consortium and other partner organizations, whilst advocating for the Palestinian Authority to fulfill its financial obligations to the institution.</li> </ul>	<p><b>Recommendation 32:</b> Continue to advocate to the Palestinian authority for its current contribution to ICHR to be paid in full in a timely manner and for the quantum to be progressively increased.</p>
<i>Institutional Capacity</i>		
<ul style="list-style-type: none"> <li>• ICHR has a Board of Commissioners with diverse expertise, experience and community connections.</li> <li>• The present process for appointing Commissioners is transparent, independent and emphasises civil society participation</li> <li>• ICHR has effective leadership and committed staff who take pride in their work and the ICHR.</li> <li>• The relationship between the Commissioner-General, Executive Board and Director-General is</li> </ul>	<ul style="list-style-type: none"> <li>• Given the quality of the Commissioners, greater use could be made of their expertise and experience, particularly in providing advice and guidance to staff when requested.</li> <li>• As with the 2016 and 2019 Evaluations, the 2022 team heard that ICHR’s internal culture could be strengthened if silos were broken down, a collaborative culture was encouraged within teams and across the organization and if directors had opportunities to</li> </ul>	<p><b>Recommendation 33:</b> Maintain regular cycle of calling for nominations and appointment of new Commissioners with the participation of civil society representatives.</p> <p><b>Recommendation 34:</b> Increase engagement of Commissioners by assigning specific responsibilities related to areas of expertise that staff can draw on.</p> <p><b>Recommendation 35:</b> Identify critical staff positions where sudden departure or long-term absence could be a risk to ICHR business continuity and build internal capacity to backfill those positions at least on a temporary basis.</p> <p><b>Recommendation 36:</b> Further strengthen central office and regional offices directors’ staff management skills and their capacity for team</p>

strong.	build their staff management skills.	building, collaboration and cooperation across teams, and professional collegiality. <b>Recommendation 37:</b> Require directors and managers as part of their job to build team spirit and a collaborative culture within ICHR. Make it an indicator in their performance appraisal.
<i>Planning</i>		
<ul style="list-style-type: none"> <li>ICHR has demonstrated its strategic planning capabilities as evidenced in the 2020-2022 Strategic Plan.</li> <li>The quality of internal auditing and monitoring and evaluation is also of a very high standard.</li> </ul>	<ul style="list-style-type: none"> <li>The Evaluation makes some suggestions of detail rather than substance for further strengthening the strategic planning framework</li> <li>It notes the need to be clear about and emphasise outcomes rather</li> <li>Of concern, however, is the amount of resource, financial and human, that has to be spent every three years on an independent evaluation and the development of a new strategic plan. There is international recognition that making sustainable human rights changes requires a 5 to 10 year timeframe. Now that ICHR has demonstrated robust and reliable internal accountability mechanisms, the strategic plan should be extended to five years and the resources focused on implementation of ICHR recommendations</li> <li>The report as a whole identifies areas that should be considered for prioritisation in the next strategic plan cycle</li> </ul>	<p><b>Recommendation 38:</b></p> <ul style="list-style-type: none"> <li>(i) Extend the timeframe of the strategic plan to five years.</li> <li>(ii) Contract an independent evaluation of the strategic plan implementation every five years.</li> <li>(iii) Undertake an internal half-term review at 2.5 years of the strategic plan's implementation.</li> <li>(iv) Strengthen the <u>focus on outcomes</u> in the next strategic plan with an emphasis on: <ul style="list-style-type: none"> <li>Increased regular complaints handling by the regional offices</li> <li>Establishment of a programme of inspections of places of detention, to supplement their regular complaints visits</li> <li>Development of a Communications 4 Development approach</li> <li>Expansion of the use of MIS, particularly in relation to using the data contained within the MIS to provide further evidence for ICHR thematic investigations and its Annual Report</li> <li>Development of a tracking system for ICHR recommendations and a programme of intensive follow-up</li> </ul> </li> </ul>
<i>Regional Offices</i>		
<ul style="list-style-type: none"> <li>Staff of the regional and sub-regional offices are the face and frontline of the ICHR. They are crucial to the accessibility of ICHR to all the people of Palestine.</li> </ul>	<ul style="list-style-type: none"> <li>The Paris Principles require that a national human rights institution be accessible to everyone within the state.</li> <li>Given the increasing repression and restrictions on movement imposed on Palestinians by the Israeli Occupation, a review of the extent of access for all to ICHR highlights the situation of those in East Jerusalem.</li> </ul>	<p><b>Recommendation 39:</b> Establish a field researcher position in East Jerusalem and monitor its development over three years to determine whether to extend it to regional office status</p>
<i>Staffing</i>		
<ul style="list-style-type: none"> <li>In many respects ICHR is an excellent employer.</li> <li>A careful comparison of ICHR's salary scale with equivalent other</li> </ul>	<ul style="list-style-type: none"> <li>The Evaluation team noted that a level of discontent from staff was expressed to the 2016 and 2019 evaluation teams.</li> </ul>	<p><b>Recommendation 40:</b> Undertake regular reviews of staffing levels / workloads, staff distribution, salaries, working conditions, and areas of institutional risk.</p>

<p>organisations reveals it is generally better than others.</p> <ul style="list-style-type: none"> <li>• Women staff members interviewed said it was a good place for women to work – safe and comfortable.</li> <li>• In relation a few conditions of service, there appeared to be a disconnect between ICHR policies and what some staff experience; for example, flexible working hours, or access to support if suffering from stress cause by the job.</li> </ul>	<ul style="list-style-type: none"> <li>• An effective staff union and improved internal communications could improve staff morale and increase understanding of the restrictions unavoidable when working for a small or medium sized organisation.</li> <li>• A collaborative approach to negotiations between the leadership and the staff to terms and conditions of employment would strengthen the ICHR as a model employer.</li> <li>• While acknowledging the inevitability of a stressful environment for all in the West Bank and the Gaza Strip, the nature of ICHR’s mandate means staff, particularly regional staff can experience high levels of risk.</li> </ul>	<p><b>Recommendation 41:</b> Review current flexible working hours policy in consultation with staff, ensure it is well communicated and assess whether any change is required.</p> <p><b>Recommendation 42:</b> Encourage the development of the staff union, providing for a paid union meeting of two hours twice a year; and ensuring the staff performance appraisal review is undertaken in consultation with the staff union and staff members.</p> <p><b>Recommendation 43:</b></p> <p>(i) Undertake a staff survey to identify staff awareness of current health and safety policy and services; current health and safety issues and to request how best to support staff suffering from stress or Post Traumatic Stress disorder (PTSD) as a result of the job</p> <p>(ii) Review staff health and safety policy taking account of the results of the survey.</p> <p><b>Recommendation 44:</b> Develop and implement a comprehensive staff welfare and protection framework within ICHR and establish regular well-being checks of staff.</p> <p><b>Recommendation 45:</b> Improve internal communications, including by embedding regular staff meetings - every two months or quarterly - and continue to refine other internal communications</p>
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## The evaluation

The Independent Commission on Human Rights of Palestine (ICHR) has commissioned independent evaluations every three of the last nine years and even earlier. In May 2002 it called for expressions of interest for this year's evaluation. The terms of reference were extensive and detailed. They stated that the purpose of this evaluation is "to assess the overall achievement of the ICHR's three-year (2020-2022) Strategic Plan and quality of implementation as well as the overall impact of the Strategy by reviewing ICHR's program activities and inter-institutional coordination undertaken during the period under review."

It further stated that,

"(t)he evaluation shall be two-fold:

- Assess the relevance of ICHR program activities and structures to the goal of consolidating and strengthening the role of ICHR as the Palestinian national institution for human rights with the function of an ombudsman, considering Palestine accession to a number of international conventions and treaties; and
- Assess how appropriate ICHR's management, organisational structures and systems are for the implementation of its legal mandate and strategic plan, in consideration that ICHR shall play an important role in establishing the National Prevention Mechanism".

An evaluation team of three was selected. The members were Rosslyn Noonan, former New Zealand Chief Human Rights Commissioner and Past Chairperson of GANHRI, with extensive experience of working with national human rights institutions across Asia-Pacific; Ash Bowe, with NHRI experience, participation in the 2016 ICHR Evaluation and currently holding the position of Chief of Party within the Pacific Community's (SPC) Human Rights and Social Development Division, a regional development agency governed by its member states; and responsible for a five-year \$19.8m programme of work; and Mahmoud Al Afranji, a human rights consultant, researcher, and trainer. Immediately prior to the Evaluation he was working as a coordinator of the Palestinian Human Rights Organisations Council (PHROC). He has experience in analysing the Palestinian political and legislative environment, the context of the Palestinian human rights organisations' work, including in the field of designing and implementing international advocacy campaigns.

## Methodology

The methodology followed that outlined in the terms of reference, namely, a literature review; interviews and focus group discussions; with the edition of questionnaires for Commissioners and staff. It was participatory and inclusive of both quantitative and qualitative data and analysis.

## Literature Review

The evaluation team reviewed a wide range of documents as part of the literature review, including:

- the ICHR 2019-22 Strategic Plan, Log Frame, Annual Plans and Budgets
- annual reports, management reports, internal strategies, policies, manuals and forms
- ICHR publications
- previous external evaluation reports, internal and external audits

## Interviews and Focus Group Discussions

In person interviews and focus group discussions were the primary sources of information for

the Evaluation Team, with ICHR staff and external stakeholders asked to identify organisational achievements and areas for improvement. These included meetings with:

- ICHR management and staff
- ICHR Commissioners
- Civil society organisations and human rights activists
- Government ministries, security forces and women's protection shelters

### Questionnaire

In addition to the literature review and interviews, specified in the terms of Reference, the Evaluation Team designed and disseminated two questionnaires - one for ICHR staff and one for ICHR Commissioners. They were designed to provide additional quantitative data and to afford an opportunity for staff and Commissioners to provide additional feedback that they may prefer to submit anonymously or did not have the chance to do so due to time constraints during the focus group discussions.

### Framework for Evaluation

The primary reference point for the Evaluation Team were the questions outlined in the Terms of Reference. However, to provide additional value for ICHR, an evaluation framework was developed that also incorporated the recommendations from the 2016 and 2019 Evaluations and the Gender Audit. These were then mapped out against the ICHR Strategic Plan.

The report outlines how every section corresponds to each of these frameworks. This enables ICHR to read the findings and recommendations against its Strategic Plan and in relation to implementation of the recommendations received through the previous External Evaluations and the Gender Audit. The Framework for Evaluation is annexed to this report with an indication of the implementation status for clusters of recommendations, to enable ICHR to easily identify where further efforts are required.

### Context

As the 2016 and 2019 Evaluation reports affirmed, the ICHR operates in the extremely difficult context of Israeli Occupation and Palestinian political division and instability, where conflict pervades and from time-to-time flares into outright warfare. Since 2019 the situation has further deteriorated and been compounded by the impact of the global pandemic of Covid-19.

The May 2022 Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel\* to the United Nations Human Rights Council identified the extent of Israeli and limits of Palestinian control over the State of Palestine. The report effectively highlights the complex challenges faced by ICHR in implementing its mandate to promote and protect the human rights of all the people of Palestine:

*22. In terms of duty bearers, the Commission considers that the State of Palestine comprises the West Bank (whether Area A, Area B or Area C), all of East Jerusalem, and the Gaza Strip. It further considers that Israel remains in belligerent occupation of all these territories and is therefore the primary duty bearer within these territories, along with the occupied Syrian Golan, given the jurisdiction and effective control exercised by Israel as an occupying Power and the extraterritorial applicability of a State's international human rights obligations.*

*23. The Commission notes that territory over which the Government of the State of Palestine*

*can exert its authority as duty bearer has been under occupation by Israel since 1967, which poses severe challenges to its ability to assert its State functions. Nonetheless, and while not affecting the obligations of Israel, the accession of the State of Palestine to international human rights treaties engages its responsibility, to the extent of its jurisdiction and effective control.*

*24. Within the Gaza Strip, the Hamas-led administration bears human rights obligations as the de facto authority in light of its exercise of government-like functions. Within the territory and over the residents of Gaza, it shares some effective control with Israel, each exercising certain functions. Under the treaties ratified by the State of Palestine and customary human rights law, the de facto authority is internationally responsible for violations that it commits in Gaza or from within Gaza.<sup>24</sup>*

On 14 June 2002, while the evaluation team was in Palestine, ICHR launched its Twenty Seventh Annual Report (1 January – 31 December 2021) on the Situation of Human Rights in Palestine. It covered human rights violations by the Israeli Occupation and by the Palestinian authorities.

The reported highlighted aspects of the Occupation, including:

- policies of forced population transfer and displacement in East Jerusalem and Area C.
- an escalation of home demolitions, evictions, displacement, and obstruction, seizure and destruction of humanitarian initiatives and reconstruction efforts
- donor-funded humanitarian projects demolished and confiscated
- targeting of Palestinian civil society institutions and labelling a number of human rights groups and development actors as terrorist organisations
- a continued a siege on the Gaza Strip and starving of the Gaza population. Not only was it disproportionate and indiscriminate, the Israeli military offensive targeted residential buildings, commercial premises, towers, media offices, and infrastructure, claiming the lives of a considerable number of civilians, including entire families and a high proportion of children.

At the domestic Palestinian level, the report noted, amongst others:

- partial local elections, held successfully and peacefully in the West Bank; but prevented by the Hamas movement in Gaza
- postponement of presidential and legislative elections to avoid a constitutional vacuum
- internal clashes, accompanied by waves of violence of multiple sources
- murder of activist Nizar Banat
- crackdown on protests, in which all previously reported systematic violations recurred
- violence at Palestinian universities
- eruption of tribal clashes
- law enforcement declined markedly & law was enforced on a selective basis
- eight laws were passed by the Gaza-based Palestinian Legislative Council (PLC), 44 laws by decrees were enacted in the West Bank, the largest number of laws by decrees promulgated in a single year since the internal Palestinian political divide took place.

Both Palestinian and Occupation policies compounded the impact of Covid-19 on the economic, social and cultural rights of Palestinian people. Poverty is endemic in Gaza and widespread in the West Bank. The Palestinian Authority's financial capability was severely affected as a result of Israel's actions. The poor state of Health and Education services eventually led to industrial action by teachers and doctors.

During the period of its current Strategic Plan (2020-2022) ICHR has had an increased focus on economic, social and cultural rights, as recommended by earlier Evaluations, while continuing a

close monitoring of civil and political rights.

Throughout the three years, as previously, it has had to balance the focus on the actions and omissions of the Palestinian authorities – its paramount mandate - and addressing the ways the Israeli Occupation impacts on human rights in Palestine. It has also had to respond to the internal divisions in Palestine. It remains one of only two effective Palestinian institutions, operating in both the West Bank and the Gaza strip. [The other is the Palestinian Central Bureau of Statistics.]

### **Independent Commission on Human Rights**

The Independent Commission on Human Rights of Palestine has both good governance and human rights mandates, integrating the traditional role and responsibilities of Ombudsman with those of a national human rights institution.

#### *Establishment*

National human rights institutions are unique organisations of the State with parameters determined by a United Nations General Assembly resolution, Principles relating to the Status of National Institutions (The Paris Principles) 48/134 20 December 1993. They are a pillar of the State but not a part of the Government. They are subject to both national and international scrutiny and accountability.

ICHR was established in 1993 by Palestinian President Yasser Arafat, issuing Decree No.59. The Paris Principles require that a NHRI be established by constitution or statute law. In 2003 the Amended Basic Law, Article 31, made reference to an independent human rights commission. In 2005 the ICHR presented a draft enabling law to the Palestinian Legislative Council (PLC). It had not been adopted when the PLC collapsed in 2007.

#### *Accreditation – International Recognition*

ICHR is a member of the Global Association of National Human Rights Institutions (GANHRI) and its regional network the Asia Pacific Forum of National Human Rights Institutions (APF). GANHRI operates a process of peer accreditation. Amongst other things, 'A' accreditation entitles the institution to independent standing at the United Nations Human Rights Council.

ICHR is an 'A' accredited national human rights institution. It was first accredited in 2005 with an A(R) status, as the enabling law had not been enacted. In 2009 it was accredited with a full A status that acknowledged the special circumstances in Palestine. It has since been re-accredited in 2015 and, most recently, in October 2021. The October 2021 GANHRI Sub-Committee on Accreditation (SCA) report commended the "efforts undertaken by the ICHR to promote and protect human rights in the exceptionally challenging context in which it operates, including by taking public stands on sensitive issues." Taking into account the special circumstances of Palestine, it noted the lack of enabling legislation but acknowledged that ICHR developed Bylaws "establish a sufficiently detailed mandate and functions..." Two other issues are mentioned: pluralism and diversity in the staff, and adequate funding. But again in relation to both of those, ICHR is acknowledged for the efforts it continues to make to meet the Paris Principles.

#### *Organisational structure*

A Board of Commissioners (17-19 members) governs the ICHR. They are selected according to criteria set out in the Bylaws of ICHR's Board of Commissioners from within Palestinian society and externally from the Diaspora. They bring both expertise and diversity to the crucial strategic decisions they make for the ICHR.

They elect the Commissioner General who chairs the Board and the Executive Office. The latter has five members from the Board.

The Executive Office appoints the Director-General who manages the ICHR staff and operations, following Board approved strategies, plans, policies and regulations. The Director-General is accountable to the Commissioner-General and the Board.

### *Staffing structure*

ICHR has a functional staff structure, ICHR's website summarises it as follows:

"... under the supervision of the Director-General [it] is divided, into 4 centralized departments: Investigation and Complaints Department, Monitoring of National Legislations and Policies Department, and Public Awareness and Training Department. In addition [there are] 3 centralized units: Public Relations and Media Unit, International Relations and Program Development, and Monitoring and Evaluation Unit. ICHR ensures its accessibility to all Palestinian citizens by its regional offices that are placed in all main regions".

More details about the work of the departments and units are contained in Part II of this report.

There are currently 69 staff members, 44 of whom are male and 25 are female.



# PART II

## EVALUATION REPORT

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## 2.1 Overview

The conclusions summarised in this overview are the result of the many interviews we did, within the ICHR and externally, the meticulous documentation recorded by the ICHR we reviewed and what we were able to observe of its work and impact.

### ICHR Achievements

ICHR is a truly impressive national human rights institution, that demonstrates the value of NHRIs, even when working in the most difficult of circumstances. It is one of the few institutions in the state of Palestine that operates nationally, in the West Bank and in the Gaza strip.

It is fully independent in its appointment of Commissioners, its internal structure, policies and all its operations and activities. As a result, it is respected and trusted by the people of Palestine and by most government agencies and civil society organisations that it engages with. It both challenges courageously the Palestinian Authority and the Gaza authorities and constructively advises them on human rights standards and their implementation.

There is evidence of positive outcomes on some major human rights issues as well as some individual and group cases. The ICHR has effective leadership and committed staff who take pride in their work and in the ICHR.

It has robust, credible processes for strategic planning, financial management, internal auditing, monitoring and evaluation – and a deserved reputation as incorruptible. It benefits from financial stability provided by supportive donors, as a result of its strong internal governance, transparency and professionalism. It has demonstrated commitment to continuous institutional improvement, development and accountability.

It is a good place - safe and comfortable - for women to work, putting human rights into practice and reflecting the commitment of ICHR to gender equality and prevention of harassment. The staff of the regional offices and sub-regional offices are the face and frontline of the ICHR and have the capacity for greater delegated authority

It now has an excellent, user-friendly Management Information System (MIS) enhancing efficiency and effectiveness in case management and reporting.

### Challenges

As it has since its establishment, ICHR has had to grapple with a very complex external environment, which has deteriorated even further in the last three years. Over that external environment, it can have very limited influence, but it has shown its ability to acknowledge internal organisational challenges and address these. The most serious current challenges are largely external including:

- Israeli Occupation – with growing pressures about the extent to which to take action on Occupation human right violations rather only on those of the Palestinian authorities
- Palestinian political divisions, absence of national elections, the Palestinian Legislative Council (PLC) and related democratic institutions
- impending change of political leadership in the absence of the PLC and the political will to conduct elections
- an ineffectual and fractured judicial system, lacking independence
- huge pressures on the ICHR to deal with every issue and unrealistic expectations about what it can achieve
- potential disillusionment / declining trust when the ICHR fails to realise change despite robust investigation and reporting especially in cases of torture



## 2.2 Promoting measures of prevention, protection, accountability and redress

### Key Findings - summary

- Courageously holds the Palestinian Authority and the Gaza Authorities to account
- Excellent, user-friendly Management Information System (MIS) enhancing efficiency and effectiveness in case management and reporting
- Comprehensive coverage of places of detention
- Development of a valuable methodology for inspections of places of detention
- Significant and effective strategic litigation cases
- High expectations, leading to disappointment when there is lack of response from authorities
- Increased follow-up to ICHR investigations and recommendations required
- Pressure to monitor Occupation-related violations

### Complaints

Handling complaints is a core ICHR function and one it carries out comprehensively and professionally, both in places of detention, in the field and via submissions made through its website. The evaluation team was informed by external stakeholders that ICHR field researchers are diligent, compassionate, and widely accessible day and night. This public-facing role, and the high standard to which it is performed, contributes significantly to the overall credibility and public confidence in the institution. The effectiveness of this function was agreed internally too, with almost 90% of evaluation survey respondents (ICHR staff) stating that the division exceeds or greatly exceeds expectations.

ICHR has a history of good performance in complaints handling and has further strengthened in this area during the last Strategic Plan cycle. A major, and highly commendable, achievement is the design and deployment of the MIS (information management system). The MIS is user-friendly and exceptionally designed to meet the needs of ICHR, allowing complaints to be easily logged, trends analysed, and data stored securely. Through its indexing system, ICHR can provide disaggregated

#### Evaluation Framework

Strategic Plan:	Key Result Area 1 Target 1
Evaluation:	TORs 1.1, 1.5, 1.11, 5.1(j)
Previous Recs:	Gender Audit Recommendation 9 2019 Evaluation Rec 3.1 2016 Evaluation Recs 12, 13

analysis by gender, disability, region, handling times, human rights issue, SDG indicators and more. The potential value of this data is considerable, and the report will discuss ways in which it can be best realised. The value and quality of ICHR's data is also reflected in the fact it is now a provider to the Bureau of Statistics, Ministry of Social Development and OHCHR, further strengthening the institution's credibility and relationships with key stakeholders. Adopting new systems such as the MIS invariably takes time, but ICHR has made impressive progress in a relatively short space of time with many ICHR staff regularly using the tool and having a clear understanding its importance to the institution.

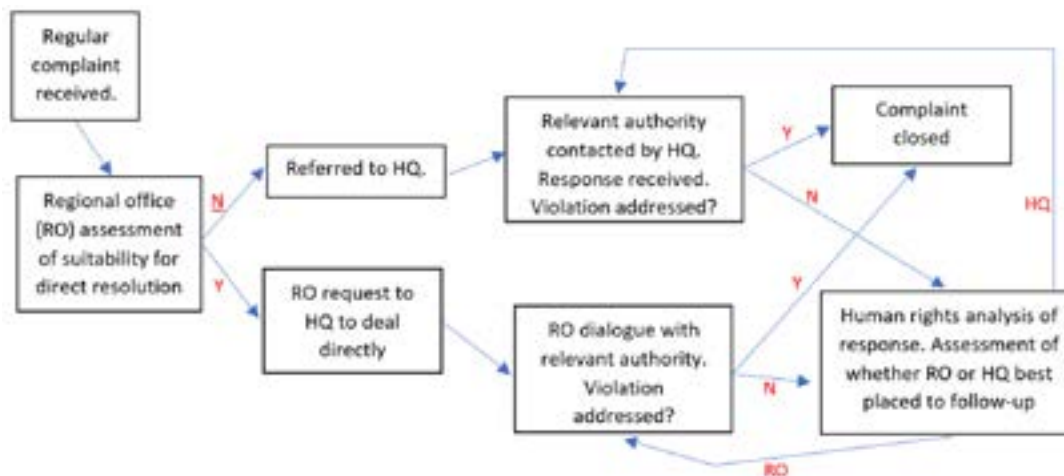
In the next Strategic Plan cycle ICHR should continue to increase its use of this data, including reviewing complainant and respondent satisfaction levels and taking remedial action where negative trends are observed. For instance, following the Nizar Banat case there was a slight decrease in satisfaction among West Bank complainants, with analysis showing that it was due to a lack of understanding of what the process would be. ICHR should continue to identify any similar trends and take appropriate corrective action, in this case ensuring complainants are fully informed of the process upon submission, regardless of the method (i.e., in detention centres, in the field or via the website).

Other notable achievements include the introduction of a complaints classification system, an increasing focus on marginalised communities, the development of a new website to enable online complaint submissions and the referral of complaints to other competent bodies, such as AMAN, the police, detention authorities and ICRC. This practice was recommended in the 2016 Evaluation and continues to be well implemented, with ICHR carrying out the necessary due diligence to ensure the complaints are adequately addressed.

Areas of improvement during the next Strategic Plan cycle, are:

- strengthening the role of regional offices to deal with more complaints directly: Currently the regional offices are authorised to deal with complaints classified as 'simple', while those classified as 'regular' or 'systemic' are referred to the central office. Direct dialogues with authorities, rather than written communication, was reported to the evaluation team as being more effective in many instances and that there is scope for increased local dialogue rather than centralised communications.
- undertaking deeper human rights analysis of regular and systemic complaints: It was also suggested to the Evaluation Team that improvements could be made in the analysis of regular and systemic complaints, from a human rights perspective, once a response is received from the authorities. This would enable more rigorous follow-up and for ICHR to continue their investigation into specific complaints, rather than closing the matter once the response has been conveyed to the complainant.

ICHR, as ever, must tread a fine line to maintain positive working relationships with the authorities and retain influence. In delegating authority to the regional offices to handle more regular complaints directly this must be carefully developed and monitored. In developing this process ICHR should also consider the workflow for how increased human rights analysis of responses from authorities can be carried out. This process, for example, could look like the following:



**Recommendation 1:** Through a consultative process involving the regional offices and central complaints division, develop a process for enhanced human rights analysis of regular and systemic complaints, and greater delegation of regular complaints to the regional offices.

**Recommendation 2:** (i) Extend delegated to authority to regional offices for handling 'regular' complaints unless they deem it necessary to refer it to Central Office.  
(ii) Accompany extended delegation to regional offices to handle 'regular' complaints with capacity building, guidelines, updating of the Complaints Manual and supportive Oversight.

**Recommendation 3:** To further build respect for ICHR and demonstrate its objectivity, expand the complaint satisfaction evaluation process to assess respondent satisfaction as well as that of complainants, and utilise this information to ensure the regional delegated authority and increased human rights analysis of responses is being well implemented.

## Detention Monitoring, Inspections & a National Preventive Mechanism

### Complaints

Handling complaints in places of detention is a fundamental component of ICHR's complaint handling, and as such has been partially addressed in the section above. Nonetheless, it is important to highlight the specific achievements of ICHR in this area. When Hamas took control of Gaza in 2007, ICHR's treatment of Hamas prisoners in the West Bank established the trust on which the institution's access to Gaza's places of detention from then on was established. Both Fatah and Hamas continue to view ICHR as working independently to protect their people in places of detention and because of this, they are the only institution with access in both areas.

ICHR has built on this trust to provide excellent coverage of places of detention and has developed constructive working relationships with the management in many places of detention. This was evident from recent cases where ICHR had been able to positively engage with the Palestinian Authority to secure the release of activists who had been detained by security forces. It was further confirmed in interviews with several detention authorities, external CA participants, and field researchers, and through the literature review.

### Evaluation Framework

Strategic Plan:	Key Result Area 1 Target 2
Evaluation:	TORs 1.3, 1.11
Previous Recs:	Gender Audit Recommendation 6 2019 Evaluation Recs 1.3, 3.1 2016 Evaluation Recs 14, 15, 16, 17

The institutional focus ICHR is building on marginalised groups is strongly evident in its work in places of detention – with emphasis placed on visiting detention facilities for women and children. The evaluation team visited two regional women’s protection centres. Both reported crucial ICHR involvement in case conferences and advocating for the release of women. The team was concerned to hear reports of some women detained for several years in these centres, due to the risk posed by their abusers on the outside.

**Recommendation 4:**

**(i) Continue to expand ICHR coverage of marginalised groups and understanding of the specific issues faced by these groups in places of detention.**

**(ii) Continue to advocate that the source of the risk posed to women detained for their protection be addressed, rather than having their right to liberty continuing to be restricted as a protection measure.**

ICHR’s complaint handling work is the front line of its services to the people of Palestine. The cases handled can be complex and emotional, and pose dangers to the case officers, particularly when dealing with allegations of torture and ill-treatment. The psychological burden of this should not be under-estimated. The team heard accounts of assault, exhaustion, anxiety, and stress among field officers. During the next Strategic Plan, ICHR could prioritise the welfare of its staff, through the development of a comprehensive welfare and protection plan. Front line staff should be consulted in the development of an activity risk assessment process, a plan for protection measures/equipment necessary for high risk rated activities, and the design of a staff welfare framework that should include access to counselling, routine debriefing and other well-being measures identified through the consultative process. Staff well-being should be regularly assessed to ensure the effectiveness of the framework and to routinely identify areas for improvement.

*Inspections and a National Preventive Mechanism*

Handling complaints within places of detention is an important element of upholding the rights of detainees. However, it is also essential to address systemic issues within places of detention through a programme of inspections and monitoring. Effectively undertaken, this achieves two important outcomes. Firstly, it can be an efficient way of addressing multiple complaints of a similar nature. Secondly, it helps prevent future complaints by addressing the underlying root causes, such as the current overcrowding that exists in multiple places of Palestinian detention. Through the trust ICHR has built with both Hamas and Fatah, detailed above, ICHR enjoys good access to places of detention, particularly in Gaza where Hamas allows unannounced visits to all detention centres except those under the control of the internal security forces.

ICHR has developed partnerships in recent years to address systemic issues of this nature, such as the living conditions within places of detention through partnerships including with the Norwegian Agency for Development Cooperation. Crucially, ICHR has also taken steps to build its capacity to undertake systemic inspection and monitoring through the development of a comprehensive manual. Although yet to be fully implemented largely due to COVID restrictions during the last two years, this framework is consistent with what is required of a National Preventive Mechanism (NPM) and should be utilised to build ICHR’s authority and influence in addressing systemic issues within places of detention.

The establishment of a Palestinian NPM is an ongoing challenge being faced by ICHR, which makes expansion of this role politically sensitive. In the initial consultations with the Palestinian Authority,

there was agreement that the NPM functions should rest with ICHR. However, the publication of the draft NPM law, the week prior to the Independent Evaluation, establishes an NPM external to ICHR. This clearly poses a risk to the ICHR mandate as the proposed NPM has similar protection and preventive roles. There are also concerns that the NPM will not be independent, in part due to the lack of a selection process.

ICHR must strategically navigate this space over the next Strategic Plan. The overall goal should be to ensure that there are effective systemic inspections and monitoring of places of detention in Palestine undertaken, regardless of with whom primary responsibility lies.

**Recommendation 5:** Ensure routine inspections and monitoring of all places of detention in Palestine through the following steps:

- (i) continue to advocate for ICHR to serve as the NPM
- (ii) strengthen its own capacity to undertake systemic inspections and monitoring through its field researchers. Aim to conduct at least one such monitoring visit per detention centre each year
- if advocacy efforts under (i) above fail, monitor the effectiveness of the established NPM, provide capacity building support, and increase or decrease its activities under (ii) depending on how effectively the NPM is undertaking its mandate.

**Recommendation 6:** Continue to advocate for unannounced access to all places of detention in the West Bank and in the Gaza Strip.

### Building capacity of duty bearers

The Palestinian context is not especially conducive for human rights capacity building, with the prevailing attitude within many key stakeholder groups reported to be ambivalent at best. Despite this, ICHR has implemented an impressive training and capacity building programme over the 2019-22 period across the West Bank and Gaza.

The training division has effectively implemented recommendations from the 2016 and 2019 recommendations to better understand effectiveness of its interventions through external evaluation and base its priorities on institutional knowledge from across all divisions. Further, resources are often concentrated on Train the Trainer programmes, to create a snowball effect and a network of trainers who can then continue ICHR’s work. The strategic approach taken by ICHR during this period determines priority areas through monthly report data, audience needs analysis, identifying emerging issues and targeting agencies who are repeat violators of rights.

Focus is placed on the security forces and police, but also on ministries, service providers and civil society organisations. Efforts have been made to develop the necessary acceptance for long term

**Evaluation Framework**

Strategic Plan:	Key Result Area 1 Targets 3, 5
Evaluation:	TORs 1.2, 1.4, 1.5, 1.6, 1.10, 1.12, 5.1(k), 5.1(l)
Previous Recs:	Gender Audit Recommendation 6 2019 Evaluation Recs 1.2, 3.1, 3.2, 4.1 2016 Evaluation Recs 4, 5, 6, 7, 18, 27 GANHRI Rec 1

behaviour change to be achieved and strategic partnerships have been formed to this end, including through the signing of an important MOU with the police under which ICHR will co-develop the police training manual and subsequent training programme, focusing on specific problem areas.

The external evaluation of ICHR's training programme at the end of 2019 found it to be strategic and achieving impact, noting:

*"(I)ndividuals (i.e., men and women, youths, students), government officials, security devices, legal institutions and others are now aware of how to investigate the society's human rights violations and seek out solutions that are in line with human rights standards. Through ICHR's interventions, targeted individuals and institutions are capable to be actors of social change aiming towards the effective fulfillment of human rights."*

The evaluation team also heard there had been a notable reduction in violations in places of detention where staff had been trained. The team was pleased to learn that all training programmes involved pre- and post-tests, a general satisfaction survey and occasionally a reflections session. There is much to be commended in relation to ICHR's capacity building and training programme and the team encourages the focus in the coming Strategic Plan to be on consolidating and building on this success.

To do this, it is recommended that ICHR increases its utilisation of the MIS and other institutional information to guide its capacity building and training programme design and evaluate its impact. The practice of undertaking an external evaluation of this programme each Strategic Plan cycle should be continued and longer-term evaluations for programmes undertaken where feasible (i.e., 6 months after an activity to assess behavioural change and retention of knowledge).

There have been some significant successes in this area of ICHR's mandate. ICHR should capitalise on this by increasing reporting on qualitative as well as quantitative outcomes – not just numbers of activities and participants, but also qualitative feedback from participants – and communicate these outcomes more widely through its reports and social media accounts. This will further strengthen public awareness and confidence of the institution and help break down some resistance towards change within target duty bearer agencies.

**Recommendation 7: Further strengthen capacity and training by increasing use of institutional data to prioritise programme areas.**

**Recommendation 8: Enhance Monitoring & Evaluation through longer-term follow-up and collection of qualitative as well as quantitative data and undertake one external evaluation of a capacity development or training programme per Strategic Plan cycle.**

**Recommendation 9: Increase external communication of outcomes through ICHR reports and social media.**

## Access to Justice

### *Strategic litigation*

Whilst ICHR's complaints handling mandate is a core aspect of its access to justice work, it also achieves outcomes in other areas of work, namely. strategic litigation, efforts to strengthen the

judicial system and building civil society capacity and access to justice frameworks.

The Evaluation Team was presented with strong evidence to show that the strategic litigation function of the institution is being put to good use and achieving excellent outcomes. Examples of this include:

- ICHR litigation in the case of forced retirement of teachers – the case was won, and government was obliged to apply the decision to similar cases, with the number of teachers affected by this issue in the hundreds
- litigation to appeal the closure of over one hundred websites. Appeal successful leading to their reinstatement and the Prosecutor refraining from using the provision relied on to close any further websites.

Both examples above clearly demonstrate the power of strategic litigation in efficiently addressing multiple possible human rights violations through a single action. Currently this work is partially outsourced with background research done internally and representation externally. That arrangement appears to be working well. In light of its success, ICHR should consider whether it can increase its capacity in order to take on more cases that meet its defined criteria for strategic litigation.

### *Strengthening the judicial system*

One of the biggest access to justice challenges facing ICHR is the lack of independence and ineffectiveness of the judiciary. Currently, ICHR engages with judges through its training programme, is a member of the judicial reform committee and monitors court proceedings. It is not within ICHR's power to transform the current situation overnight. However, it is important that it maintains efforts to build the independence of judges and remains active in the reform committee in order to identify possible future entry points for influencing positive systemic change. Not least because ICHR's is the only non-government representative – a further reflection of its credibility within the Palestinian Authority.

One of ICHR's biggest achievements in this area is the establishment of a civil coalition for the protection of justice, which brings together 25 CSOs. ICHR hosted all establishment meetings, drafted the bylaws of the coalition and empowers its operations through its presence and external credibility. Coalition achievements to date include the preparation of a justice sector plan, a people's conference to repair the justice system and engaging with other justice sector actors to coordinate activities and built capacity.

### *State of Emergency*

One area of slight concern is the ongoing State of Emergency. Declared at the outset of the COVID-19 pandemic, ICHR played an important role in the initial days advising the government of its responsibility to ensure the restrictions were reasonable and proportionate, with the least possible intrusion, in accordance with the Syracuse Principles which govern temporary special measures in State of Emergencies. However, the Syracuse Principles also require restrictions to be subject to regular review and limited to the least amount of time necessary. Whilst there was no suggestion that the State of Emergency had been improperly used by the Palestinian Authority, given the volatile political context ICHR should advocate for the State of Emergency to be reviewed

#### Evaluation Framework

Strategic Plan:	Key Result Area 1 Target 4
Evaluation:	TORs 1.7, 1.8
Previous Recs:	Gender Audit Recommendation 6 2016 Evaluation Rec 21

and lifted as soon as possible to eliminate the possibility of future misuse.

Promoting and ensuring access to justice in the Palestinian context is an extremely complex and challenging task, and where ICHR has limitations on its ability to effect change. Notwithstanding, ICHR has developed and implemented a mature and multi-pronged strategy that achieves results and maintains its ability to shape the future direction of the justice sector and the judiciary at the highest levels. It should continue this approach, adapting as the context changes and responding to emerging opportunities.

**Recommendation 10:**

**(i) Make public the ICHR criteria for determining cases for strategic litigation, including:**

- severity of the human rights abuses
- number and vulnerability of those suffering human rights violations
- likelihood of success
- risks to ICHR.

**(ii) Further develop the internal ICHR capacity to take on strategic cases that meet the criteria.**

**Recommendation 11: Continue to engage with initiatives to strengthen the independence and quality of the judiciary.**

**Recommendation 12: Continue to advocate for the end of the State of Emergency.**





## 2.3 Promoting a national legislative, policy and institutional framework upholding human rights, in conjunction with the SDGs

### Key Findings - summary

- Highly credible annual report on the status of human rights
- ICHR plays an important role in monitoring national legislation, policies and budget to ensure the protection, promotion and fulfilment of human rights
- Active role of ICHR in Palestine’s National Mechanism for Implementation, Reporting and Follow Up
- Regular engagement with the Treaty Bodies through ICHR shadow/alternative reporting
- Creative integration of the SDGs into the work of ICHR
- Successful ICHR interventions in serious human rights issues of national importance, including:
  - health insurance for persons with disability
  - physicians’ strike
  - the murder of Nizar Banat
  - teachers’ strike
- Positive contribution to the establishment and operations of civil society coalitions on national human rights issues
- Comprehensive preparations for monitoring election processes

#### Legislative review and implementation

Given the absence of the Palestinian Legislative Council, the importance of ICHR’s role in reviewing national legislation was underscored by external stakeholders. Currently, ICHR undertakes regular legislative reviews and is also a member of the Palestinian Authority’s Harmonisation Committee, tasked with ensuring compliance with human rights. Encouragingly, OHCHR has also begun to monitor the national budget and make positive recommendations as a member of the Committee for National Budget Transparency.

However, the impact of this work was not clear to the evaluation team. It was reported that to date the Harmonisation Committee has only reviewed one piece of legislation and frustrations were

#### Evaluation Framework

Strategic Plan:	Key Result Area 2 Targets 2, 3, 5
Evaluation:	TORs 2.2, 2.4, 2.5
Previous Recs:	Gender Audit Recommendation 8 2019 Evaluation Rec 1.4 2016 Evaluation Recs 19, 20, 24, 25

expressed internally about the lack of outcomes arising from the legislative and budget monitoring work of ICHR.

Whilst decision making power does not rest within ICHR, there are several steps it can take to increase the chances of successful intervention in this field of work. The first is to strengthen the networks and mechanisms that can effect change. ICHR should advocate for the Harmonisation Committee to become more active, and to bring its recommendations from internal reviews to the table in that forum. Additionally, ICHR previously acted as secretary of the Legislative Monitoring Network but after Al-Haq took over it became dormant. This should be reactivated, and the network utilised to advocate the ICHR's recommendations arising out of its legislative and budget monitoring.

A further change also applies to other areas of ICHR's work and that is to adopt a more systematic and comprehensive follow-up process to recommendations made. This applies in relation to legislative and budgetary monitoring and will be discussed further in the section on thematic investigations below.

ICHR's mandate extends to monitoring the implementation of legislation as it applies to human rights issues, and to the implementation of human rights recommendations made by the Committees of the United Nations Human Rights Conventions/Covenants, which Palestine is now party to. Monitoring implementation of these recommendations is an important function as these recommendations create obligations and encourage political will for reform and action. ICHR plays an active and comprehensive role in this by submitting parallel reports to all treaty body reviews that Palestine undertakes and should continue this practice.

Further, Palestine has established a National Mechanism for Implementation, Reporting, and Follow-Up (NMIRF) responsible for coordinating and tracking implementation and ICHR is an invited observer of this mechanism. This membership, and ICHR's strong relationship with the Ministry of Foreign Affairs, is already being utilised well by ICHR, with it providing the avenue to work with the Palestinian Authority to develop their follow-up plan to the state review by the CERD Committee. Whilst it may not be feasible to actively engage on all recommendations received, ICHR should use its influence within the NMIRF to advocate on strategically important issues and the thematic areas identified in future Strategic and Annual Action Plans. It can also use this mechanism to advocate for the inclusion of civil society in the development of follow-up plans and implementation.

**Recommendation 13: Re-energise the Legislative Monitoring Network and utilise this, participation in the Harmonisation Committee, Committee for National Budgetary Transparency, and other advocacy channels to follow-up on recommendations made as a part of ICHR's legislative and budget reviews.**

### Thematic investigations

Undertaking thematic investigations arising from systemic complaints or emerging human rights issues has seen ICHR thrust into the spotlight in recent years due to the need for intervention in matters of significant public interest and human rights and the political void left by the absence of the PLC. Through its work in this area ICHR has

#### Evaluation Framework

Strategic Plan:	Key Result Area 2 Target 4
Evaluation:	TORs 2.3, 5.1(I)
Previous Recs:	2016 Evaluation Recs 8, 22

demonstrated its excellence, ability to operate independently on sensitive matters, and broker solutions with authorities, often in partnership with civil society organisations.

The Evaluation Team heard several commendable examples of thematic investigations. The following four examples demonstrate the impact of ICHR, and different effective strategies deployed to achieve this:

- Nizar Banat investigation. Initially invited to join the government inquiry into the death of Nizar Banat, ICHR declined because of concerns about independence. Conducting its own investigation, and refraining from commenting until it had concluded, ICHR demonstrated the strength and foresight to act independently and undertake an investigation that had to be impartial to satisfy public scrutiny of the murder.
- Teachers' strike. The ICHR decision to intervene and take the initiative to mediate a negotiated agreement with all the parties involved led to an end of the strike and the schools re-opening. ICHR involved over 60 NGOs to find a resolution.
- ICHR worked to analyse the issue of forced retirement for teachers and decided to launch a strategic litigation resulting in a positive result that could be applied to all affected teachers.
- Pfizer scandal. Following the Palestinian Authority utilising the initial batch of COVID-19 vaccines for themselves and their families an official investigation was established, with ICHR a member. ICHR went on to play a leading role in the investigation.

Other examples included, but are not limited to, the doctors' strike and ICHR's intervention with the Palestinian Authority when social security payments for persons with disabilities were being withheld from Gaza. Without exception, external stakeholders viewed the thematic investigations ICHR has recently undertaken as valuable and independent. Several staff and stakeholders the evaluation team interviewed expressed the view that often these investigations had taken ICHR outside of their mandate, to fill the PLC void. The evaluation team is of the view that ICHR has operated within its mandate in all these cases and should continue to exercise these powers to good effect.

One suggestion for improvement that was made and that ICHR should consider is for greater transparency around when ICHR will choose to be part of a government-led inquiry and when they will undertake their own. This could be addressed in the public communications around any future thematic investigation and routinely include a short narrative about the general decision-making criteria and how it was applied in each case. The other major recommendation, which was agreed internally and externally, was the need for substantially more follow-up to thematic investigations, and this will be addressed in detail in the Annual Report section, immediately below.

The evaluation team commends ICHR for undertaking a National Inquiry during the last Strategic Plan cycle, into health insurance. This Inquiry is still ongoing, and the team encourages ICHR to continue its robust follow-up to the initial research and recommendations. Noting that this Inquiry was largely coordinated and undertaken from the central office, the evaluation team recommends that ICHR plan to undertake a full National Public Inquiry during the next Strategic Plan cycle.

In both future thematic investigations and any National Inquiry, ICHR should consider whether the Commissioners can play a more active role at a strategic and high-level advocacy level.

**Recommendation 14: Publish the criteria for determining whether to join an official investigation or establish an independent process.**

**Recommendation 15: Undertake a National Public Inquiry during the next Strategic Plan cycle.**

## Annual Report

ICHR's Annual Report plays an important role in the human rights discourse in Palestine and is a reference point for academics, civil society, diplomatic missions, and the Palestinian authorities themselves. Fortuitously, the evaluation team was in the country for the launch of the Annual Report 2021 and witnessed first-hand the media attention it garnered and the high regard in which it is held.

In keeping with the theme of consolidation and strengthening, two areas for building on this success were identified through the evaluation process.

The first is to utilise ICHR's primary data in the report, and not rely only on external sources. Institutional capacity to adopt this approach has grown with the introduction of the MIS, but the Annual Report should not limit itself to quantitative data and should consider including qualitative data from ICHR's activities relating to the key issues reported on, to provide richer analysis and context, and to highlight the work of the institution at the same time.

The second is the need for improved and systematic follow up to findings and recommendations, a recommendation that also applies more broadly to ICHR's work. External stakeholders and some internal participants expressed frustration about several areas of work, including the Annual Plan, that once recommendations are made there often appears to be little or no follow-up and action taken by the relevant authorities, and that similar recommendations are made year on year. It should not be expected that everything ICHR recommends is going to be implemented. Nevertheless, once recommendations are made, their implementation should be followed-up, to drive implementation and to be able to evaluate the effectiveness of interventions. Further, if follow-up is reported in a transparent manner, it can help foster public understanding of ICHR's robustness and its limitations, thereby managing unrealistic public expectations. Implementation of open-source software such as IMPACT OSS could provide that type of tracking of recommendations function for ICHR.

**Recommendation 16: (i) Establish a tracking system for ICHR's recommendations arising from thematic investigations, national inquiries, shadow reports, legislative and budget review, advocacy, and Annual Reports; (ii) Provide resources in strategic and annual planning for 2-3 years of active follow-up on recommendations in major thematic investigations and national inquiries; (iii) Propose an MOU with the Secretary of Ministries and any other relevant high-level authorities to regularly discuss implementation of ICHR's recommendations.**

## Advocacy

Advocacy campaigning is one of the Capacity Building and Awareness Raising Department's (CBARD) roles at ICHR and covers West Bank and Gaza Strip. CBARD developed its strategic plan (2018-2022) in collaboration with the Denmark Institute for Human Rights (DIHR). A thematic issue is chosen each year to be the focus of an advocacy campaign. These thematic issues depend on the cases identified as most numerous by the Investigations and Complaints Department, its documentation of violations patterns, and the ICHR annual report recommendations.

CBARD followed the 2016 external evaluation recommendation on linking advocacy priorities to other ICHR departments' investigations, research, detention centres visits, and complaints handling work. On the other hand, it has been hard for ICHR to incorporate advocacy campaigning either into an expanded Analysis, Research and Policy Department or an expanded communications department. To address this recommendation, ICHR has increased internal coordination between CBARD and the media unit, whether in the Gaza Strip, where it hired a social media coordinator, or the West Bank.

The main challenge that CBARD faces is the Palestinian political division between Gaza Strip and West Bank. This has led to dividing CBARD advocacy campaigns to follow the violation patterns in each area. As a further strengthening of ICHR advocacy, CBARD would welcome involvement of ICHR Commissioners in its advocacy campaigns, specifically in the West Bank, as the Commissioners in Gaza Strip participate in the advocacy activities there, for example in TV interviews.

In addition to the main challenge, CBARD should assign a specific employee, one in West Bank and one in Gaza Strip, to coordinate the implementation of the advocacy plan, and follow up the advocacy cycle.

### Evaluation Framework

Strategic Plan:	Key Result Area 2 Targets 2
Evaluation:	TOR 2.1, 2.5, 5.1(k), 5.1(l)
Previous Recs:	2016 Evaluation Recs 7, 9, 23

**Recommendation 17: CBARD should develop an advocacy plan structure appropriate to the thematic issues that ICHR adopts every year. This structure should identify its annual theme in a participatory approach, as well as its activities, and define each department's responsibilities, implementation mechanisms, its review and evaluation, and articulate a modification mechanism.**

**Recommendation 18: Encourage Commissioners to actively join ICHR advocacy campaigns.**



## 2.4 Promoting and disseminating a culture of human rights

### Key Findings - summary

- Development of two internal strategies, one for communications, the other for awareness raising
- Improved visibility and accessibility through launch of new ICHR website
- Greater potential to regularly publicise successful ICHR outcomes from individual complaints and other interventions
- Opportunity to develop new, creative outreach programmes
- Government agencies appreciative of ICHR awareness raising and education programmes for their staff and would welcome more
- Lack of robust qualitative data on impact of current awareness raising and education programmes
- Need for improved internal communications
- Lack of tracking of implementation of ICHR recommendations

#### Awareness raising

Awareness raising is a responsibility of the Capacity Building and Awareness Raising Department (CBARD) at ICHR. The ICHR aims of awareness raising are to promote human rights culture in the Palestinian society and provide knowledge and tools for the rights holders to exercise their rights and become familiar with the official complaint systems, and how to claim their human rights violations. Awareness activities target all citizens in general, and university students, journalists, workers in CSOs, and youth in particular.

#### Evaluation Framework

Strategic Plan:	Key Result Area 3 Targets 1, 3
Evaluation:	TORs 3.1
Previous Recs:	Gender Audit Recommendation 6 2019 Evaluation Recs 1.1, 3.1 2016 Evaluation Rec 2

CBARD adopted a Training and Awareness Raising Strategy 2019-2022, that aims to build sustainable programs with its stakeholders. This strategy was developed from the recommendations of the National Survey of Human Rights Knowledge in Palestine (in collaboration with the Palestinian Central Bureau of Statistics); focus group discussion recommendations; (SWOT) analysis to

identify ICHR and CBARD internal strengths and weaknesses, as well as its external opportunities and threats; a review of capacity and awareness raising programs and the educational manual; international treaty bodies' recommendations; and the participatory strategic seminar in 27 – 28 November 2018. ICHR conducted a special community survey on child rights, to identify child rights priority issues.

During this strategy cycle, CBARD implemented its annual action plans which were developed jointly with other ICHR departments and took into consideration 2016 and 2019 ICHR external evaluation recommendations, such as, launching a campaign to raise citizens' awareness of access to justice in Jerusalem suburbs, area H2 in Hebron, area (C) in West Bank, and buffer zone areas in Gaza Strip.

ICHR has many communication tools to use in implementing its strategy of awareness-raising to target citizens, such as social media, multi-media, and workshops. CBARD prepares messages and human rights content and releases them through the media unit at ICHR. To target Palestinian students, ICHR contributes to the Ministry of Education's extracurricular activities, such as the "Humanity is Dignity" Camp.

Over the past three years, CBARD has worked to develop its guides and educational materials to incorporate and ensure gender mainstreaming. Further, CBARD prepared internal tools to measure the impact of its awareness campaigns. Regarding 2016 external evaluation recommendation that ICHR should develop key institutional messages relating to perceptions about human rights and Palestinian culture, CBARD developed in collaboration with DIHR, professors and human rights researchers, a manual of human rights principles and the Palestinian culture.

ICHR conducted an outsourced assessment of its 2017-2019 capacity-building and awareness-raising strategy impact, and now follows its new strategy 2019-2022, which takes into consideration the assessment recommendations.

Assessing the impact of community awareness campaigns remains a challenge to CBARD in light of the political division between the West Bank and the Gaza Strip, and the diversity of the public.

**Recommendation 19: Initiate cumulative awareness campaigns, starting with the basics of human rights and freedoms, and then building on them with more detailed and specialised issues.**

**Recommendation 20: Encourage Commissioners to actively join ICHR advocacy campaigns.**

### Communications and use of the media

Effective and widespread communications are critical for any NHRI since they play a pivotal role in raising public awareness of institutional activity, educating on human rights issues and laying the foundations for attitudinal and behavioural change. This is never truer than in Palestine where expectations of ICHR are, often unrealistically, high and there is considerable opposition to human rights in certain quarters, the

Evaluation Framework	
Strategic Plan:	Key Result Area 5 Targets 2, 4
Evaluation:	TORs 3.2, 5.1(i)
Previous Recs:	2019 Evaluation Rec 2.1 (c)

political context is so fragile and the need to be perceived as independent is so fundamental.

Since the restructuring of the public relations and media unit into a newly formed communications unit, ICHR has taken positive steps to improve its capacity within the unit and across the organisation. A Communications Strategy has been developed in partnership with DIHR and in consultation with a local committee of communications specialists. The launch of the new ICHR website is a noteworthy achievement, containing a wealth of relevant information and enabling the submission of online complaints.

To be effective in both communications goals noted above, namely institutional awareness/credibility and public education on human rights issues, ICHR must first understand its core audience groups. It would be beneficial to undertake the audience analysis first recommended in the 2016 Evaluation with the aim of identifying the most effective methods of communication, attitudes, and barriers to behavioural change for each group. This would enable ICHR to tailor its approach to ensure its intended audiences were able to access communications and that messages are constructed in a manner that addresses human rights misconceptions and concerns.

ICHR is increasingly using social media platforms to share its news. The use of these media should continue to be grown, with external stakeholders calling for more visibility and awareness raising. Additionally, the scope and focus of ICHR's external communications could be expanded to disseminate outcomes, rather than only outputs. Recent institutional improvements in capturing outcomes and trends - through the MIS and strengthening of MEL systems – means that ICHR can develop knowledge products based on their existing information that will demonstrate the range of impact the institution has. For example, infographics could be created that depict the number of teachers whose rights will be upheld because of ICHR's strategic litigation. Or the reduction in cases in violence because of ICHR's training in particular places of detention. Such outputs could be both shared on social media and considered for inclusion in ICHR reports. The plan to hire a multi-media specialist is an opportunity for ICHR to expand its creativity in communications, with a focus on outcomes, to reach a broader audience.

ICHR, like many NHRIs globally, faces opposition to human rights as a general framework and this is a challenge to its ability to effectively undertake its protection and prevention mandate. Effective communications, combined with consistent messaging in awareness raising and advocacy programmes, can gradually build national understanding and acceptance, laying the foundations for enhanced outcomes across the institution. It was reported to the evaluation team that there is fierce opposition to CEDAW and any of its vocal supporters. Other NHRIs have faced similar challenges and one strategy in response has proved extremely effective. That strategy is to develop communications and key messages that can be used across the organisation that discuss human rights standards in relation to traditional practices, culture, and faith. This will not always be a clear and easy path. Whilst the right to education and work is relatively accepted at the conservative end of the Islamic spectrum of beliefs, the rights of women are not. Avoiding addressing perceived clashes of culture and faith, such as this, allows opposition to human rights to flourish unchecked.

To convince those who may be in the middle ground, prevent further dissatisfaction with human rights and foster national understanding and acceptance, it is prudent for ICHR to be proactive by developing messaging that seeks to draw cultural and faith-based links throughout its work and public communications. These key messages should be agreed for all core areas of ICHR work and a 'Communications for Development (C4D)' type approach adopted. C4D is described as: "a participatory process where communication tools and activities are used to support social and

behaviour change in a sustained way. It is used to understand a targeted audience’s knowledge, attitudes and practices around a certain issue in order to work with them to develop empowering messages and tools.”

As part of the audience analysis, ICHR could undertake a C4D approach to work with representatives of core target groups to obtain the information required for the analysis and begin to develop some institutional key messages and knowledge products that address barriers to acceptance and observance of human rights by linking rights, culture, and faith.

From an inward-looking perspective, as part of a C4D, ICHR may also consider consulting staff to strengthen internal communications. On several occasions it was raised with the team that there are insufficient internal communications, and that regular organisation-wide updates on internal developments and initiatives would be welcomed. This could include internal updates on achievements, upcoming activities, highlighting institutional developments, for example, profiling of new Commissioners or seeking inputs into processes such as the development of the audience analysis.

**Recommendation 21: Increase external communication on ICHR outcomes through increased use of social media and the development of knowledge products**

**Recommendation 22: Build capacity to adopt a ‘Communications for Development’ approach. Undertake a participatory audience analysis and develop key messages for ICHR relating to all core functions that draw links between human rights, Palestinian culture and faith, to be disseminated through communications, reports, advocacy, training and awareness raising.**

**Recommendation 23: Strengthen internal communications to build staff awareness of institutional activities and internal developments, and to build collaboration between the West Bank and Gaza Strip offices.**



## Education

Human rights education is a part of the awareness-raising role of the Capacity Building and Awareness Raising Department (CBARD). In this context, ICHR collaborates with the Ministry of Education (MoE), Al Isteqlal University (Military Academy), and domestic universities in the West Bank and Gaza Strip. This mission is centralised in the headquarter office in Ramallah.

Evaluation Framework	
Strategic Plan:	Key Result Area 3 Target 2
Evaluation:	TORs 3.3

ICHR adopted contracts and memoranda of understanding (MoUs) with its partners to ensure sustainable collaboration, for example, ICHR and Al Isteqlal University had an agreement for 14 years, and Al Rebat Academy (Military Academy) in Gaza for three years. There is also an agreement with the General Department of Training at the Palestinian Police agency to develop a comprehensive human rights training curriculum including training manuals. It's a part of ICHR strategic role in capacity-building empowerment through training the duty bearers to understand their role and obligations to human rights and based on the needs assessment of its partner.

ICHR has a MoU with the Palestinian Central Bureau of Statistics to conduct a human rights survey every three years, most recently in 2019. On this issue, ICHR provided the survey analyses and results to the MoE to take into consideration when the Ministry develops the Palestinian curriculum.

ICHR is continuing to cooperate with faculties of law, and law clinics at An-Najah University, Birzeit University, Al-Quds University - Abu Dis, Hebron University in the West Bank, and Al-Aqsa University in Gaza. Moreover, CBARD developed a joint action plan with the Ministry of Education, with the aim of institutionalising and sustaining education programs, to provide teachers with training sessions on human rights issues targeting Palestinian students. In the same context, ICHR has a strategic cooperation with the International Legal Foundation, that provides legal capacity building for lawyers to be proactive advocates capable of providing high-quality criminal defence to poor and otherwise marginalised communities.

ICHR has a permanent annual training program for detention centre officials and police personnel working in detention centres, in addition to training of trainers in re-correction and rehabilitation centres. This cooperation is a part of the MoU with the police agency agreed in 2021.

ICHR is used to facing the challenge of the Palestinian political division between the West Bank and Gaza Strip, when it develops human rights education materials, as the training unit in the police force in Gaza does not belong to the police force in the West Bank, for example, which makes for double activities for the same program. However, CBARD staff in West Bank have never met in person their colleagues in Gaza Strip, although they have met online.

CBARD aspires to build a Sustainable Education Center for Human Rights with accredited certificates, in cooperation with the Ministry of Education.

**Recommendation 24:** Divide the unit plan into two components, based on work methodology, tools and target group; A) capacity-building and education based on knowledge content and educational materials as a methodology, and B) awareness-raising and advocacy based on campaigns as a methodology.

**Recommendation 25:** CBARD should conduct face to face internal workshops to discuss and adopt its new awareness-raising and capacity-building strategy.

**Recommendation 26:** ICHR should train a group of external trainers that it can rely on as accredited service suppliers according to its standards.



## 2.5 Promoting regional and international cooperation

### Key Findings - summary

- ICHR contributes significantly at the international and regional levels through its membership in bodies such as GANHRI, APF and the Arab Network of NHRIs
- ICHR makes regular contributions to the United Nations Human Rights Council and its related bodies.
- Increasing pressure from external stakeholders for ICHR to further highlight the international human rights situation in Palestine, including the impact of the Occupation on human rights to build greater international understanding of the situation.
- Lack of tracking of implementation of ICHR recommendations

Regional and international cooperation are served by the International Relations Unit in coordination with relevant ICHR staff, the Director General, and occasionally by the Commissioner General. The regional and international presence is the result of the harmonised and institutional work within the ICHR, and between its internal units in three areas.

First, on the impact of the Occupation on the ability of the Palestinian National Authority to fulfil the rights of Palestinian citizens. Secondly, by monitoring national policies and local legislation; and thirdly by documenting human rights violations.

This role is divided into four areas:

United Nations treaty bodies and special procedures (UN Human Rights Council and Special Rapporteurs);

- Regional and international networks of national human rights institutions (NHRIs) such as: the Arab Network of National Human Rights Institutions (ANNHRI), the Global Alliance of National Human Rights Institutions (GANHRI), the Asia Pacific Forum (APF), and The Euro-Mediterranean Human Rights Network (EMHRN);
- Diplomatic missions and visits to the Palestinian Authority; and
- The cooperation and coordination with international institutions and partners.

In this context, ICHR developed and built its internal capacity to perform and provide support to the

#### Evaluation Framework

Strategic Plan:	Key Result Area 4 Targets 1, 2
Evaluation:	TORs 4.1(a)-(c), 4.2(a)-(h), 4.3, 5.1(k)
Previous Recs:	Gender Audit Recommendation 6 2016 Evaluation Recs 26

reporting process for the UN human rights treaty bodies, mainly by:

- providing advice, consultation, and guidance to official Palestinian duty-bearers on their legal obligations before treaty bodies, especially through the regular representation of ICHR on the permanent inter-ministerial committee for treaty-bodies reporting
- reviewing draft initial official reports submitted by the State of Palestine, and provide consultation and recommendations before the submission of these reports
- preparing the parallel reports related to the official reports submitted by the state
- working in partnership with human rights and CSOs in the preparation of their shadow reports to treaty bodies
- following up on the recommendations given by the treaty bodies to the state of Palestine, and dissemination of those recommendations to the public
- facilitating the national consultations on the state reports and working toward making them inclusive and transparent.

ICHR has made significant progress, in December 2019 the General Assembly of (ANNHRI) elected Mr. Issam Younis, Commissioner-General of ICHR, as Chairman of the Arab Network in its new session – the sixteenth – succeeding Mr. Mohamed Fayek, Chairman of the National Council for Human Rights in Egypt.

Moreover, during the Sub-Committee on Accreditation (SCA) 35th session in March 2022, the SCA of the Global Alliance of National Human Rights Institutions (GANHRI) elected Dr. Ammar Al-Dwaik, Director-General of the Independent Human Rights Commission as its chairman. GANHRI, through the SCA, is responsible for reviewing and accrediting NHRIs in compliance with the Paris Principles. It is a rigorous, peer-review process, undertaken by representatives of NHRIs from each of the four regions: Africa, Americas, Asia Pacific and Europe, with the OHCHR providing the Secretariat.

Currently, to further strengthen the relationship with international human rights mechanisms and the rights of Palestinian citizens, ICHR has suggested that it be a mechanism to receive, advise and support individual complaints to go before international treaty bodies, especially CERD, CEDAW and CRC.

In the context of the Sustainable Development Goals 2030 (SDGs), ICHR has released an imaginative initiative called Sustainable Development Goal Zero - End the Occupation. The Occupation, settlements, annexation, and confiscation of natural resources are the most prominent obstacle to the State of Palestine's fulfilment of its voluntary commitment to implementing SDGs.

**Recommendation 27: Lobby strategically the Palestinian Government and the National Committee for SDGs to adopt ICHR SDG zero initiative and collaborate with regional and international networks to develop a long-term international advocacy campaign to urge the UN to adopt this initiative.**

**Recommendation 28: Continue to engage with the Ministry of Foreign Affairs on the strategic case for the State of Palestine to join the Universal Periodic Review mechanism (UPR) at the United Nations**

**Recommendation 29: ICHR should communicate clearly its objectives when engaging internationally and regionally, including giving consideration to an aim such as "increase regional and international support for Palestinian human rights issues at the international level".**



## 2.6 Promoting ICHR institutional development and sustainability

### Key Findings - summary

- Respected and trusted as an independent NHRI by the people of Palestine and by most government agencies and civil society organisations that it engages with
- Fully independent in its appointment of Commissioners, its internal structure, policies and all its operations and activities
- Credible strategic planning, financial management and internal auditing, monitoring and evaluation - incorruptible
- Committed to continuous institutional improvement, development and accountability
- Effective leadership, diverse and expert Board of Commissioners
- Sound relationship between Commissioner-General, Executive Board Committee, and Director General
- Committed staff who take pride in their work and in the ICHR
- A good place - safe and comfortable - for women to work, putting human rights into practice and reflecting the commitment of ICHR to gender equality and prevention of harassment
- Staff of the regional offices and sub-regional offices, are the face and frontline of the ICHR and have the capacity for greater delegated authority
- Financial stability provided by supportive donors, as a result of strong ICHR internal governance, transparency and professionalism.

Timely to review:

- functions of regional offices
- staffing levels and well-being, workloads, performance appraisal process and capacity building
- lack of professional management development for directors and managers
- institutional risk posed by single points of focus for critical areas of ICHR's work

## Independence and accountability

ICHR was first accredited in 2005, by the GANHRI Sub-Committee on Accreditation, with A(R) status. Lack of enactment of the enabling law was the barrier at the time to full A status. In 2009 ICHR was reaccredited with an 'A' classification. by the GANHRI Sub-Committee on Accreditation (SCA) in 2009. Since then, it has twice been re-accredited 'A', most recently in October 2021. 'A' accreditation is recognition that ICHR is fully compliant with the United Nations Paris Principles as assessed by its peers and recognised by the United Nations, conferring independent status at the Human Rights Council and its associated bodies. Crucial to receiving 'A' accreditation is evidence of independence legally and operationally.

ICHR Bylaws clearly specify its legal independence. External and internal participants in interviews confirmed its independence in practice. Both West Bank and Gaza Strip authorities engage with ICHR, enabling access to most places of detention, and seeking advice and guidance and capacity building for staff of some government agencies.

A few external participants suggested that ICHR was somewhat biased towards the Palestinian Authority and harsher in its judgements on Hamas, the ruling party in Gaza. However, there was acknowledgement by Hamas that the 2022 Annual Report on human rights in Palestine did fairly and indeed positively describe the responsiveness of the Gaza authorities.

Like all NHRIs, there are occasions when ICHR, if it is to be effective, will issue challenges or provide sensitive advice to government and others in confidence. It cannot always take a public stance on contentious human rights issues. But this is a fine line for any NHRI and public confidence and trust requires the greatest possible transparency and openness. Based on the documentation available to it, its own observations, and the overwhelming responses of those interviewed, the evaluation team concluded that there is a high level of public trust in ICHR and a perception that it is truly independent.

In terms of accountability, ICHR has, in implementing previous evaluation recommendations, developed rigorous internal monitoring, evaluation and auditing. The Internal Auditor reports directly to the Executive Board. The Monitoring and Evaluation Officer reports to directors and managers the results of the impressive framework and system that has been developed. It is hampered at times by the tardiness of some staff in entering activities and their results into the new MIS. The following case study illustrates how an effective electronic management information system supports accountability. It also shows the commitment with which ICHR receives and actions evaluation recommendations.

The Strategic Plan provides further evidence of both ICHR independence and accountability. Independence is demonstrated by the process by which the current Strategic Plan was developed, with broad consultations; and accountability in that it is a public document that the people of Palestine can use to monitor and assess the effectiveness of its implementation.

### MIS - In-depth Focus

The 2016 External Evaluation identified the urgent need to overhaul the DMIS information management system. In response, the MIS system was designed, developed and deployed by ICHR with support from the DIHR. The Evaluation Team was provided with a hands-on demonstration of the new tool, which deserves special attention in this report due to the value it is already providing, and to highlight the considerable potential that is still to be realised.

### Evaluation Framework

Strategic Plan:	Key Result Area 5 Target 1
Evaluation:	TORs 5.1(a), 5.1(c), 5.2
Previous Recs:	GANHRI Rec 3 2016 Evaluation Recs 28, 29

The challenge of effective information management is one which faces all NHRIs. Effective information management can strengthen institutional credibility, transparency, and accountability, strengthen strategic decision making and support budgetary requests. The unique nature of NHRIs makes this challenge especially difficult and the DMIS was not the first, nor will it be the last, effort that fell short. In the MIS, the Evaluation Team believes ICHR has delivered a truly world class solution, which will not only benefit the institution for years to come but could be shared with other NHRIs as a model of good practice.

### *Complaints handling*

One of the core roles of the MIS is complaints handling. The evaluation team was greatly encouraged to see this module has all the functionality one would expect, plus more. The MIS allows complaints to be effectively tracked, resolution times monitored and indexed by a range of categories, including human rights issue, region, and even the SDGs. This allows ICHR to identify bottlenecks in resolving complaints, target agencies with higher complaint levels and lower response times, undertake evaluation of performance, and to disaggregate complaints data to ensure all demographics are being equitably served by the institution.

The value of this data extends beyond ICHR and even at this early stage of adoption this is evident, with MIS data being provided to OHCHR, the National Bureau of Statistics and the Office of the Prime Minister. The Ministry of Social Development has also requested information on children's complaints to inform the state CRC report, demonstrating the increased ability of ICHR to influence the treaty body process and hold the state accountable in relation to its obligations.

User-adoption of new systems such as the MIS is always one of the biggest hurdles to overcome – it requires notable behavioural change within the institutional context, among staff who are used to previous ways of doing things and who are often extremely busy. Learning and adopting new systems is not always desirable or a priority. Whilst the take-up may sometimes appear slow, the Evaluation Team felt the degree to which complaints handling staff have adopted the new system is extremely impressive.

This can be attributed to the excellent training and user support (being provided by the M&E officer and Quality Control Officer), the commitment to the system by the Executive in linking compliance to performance appraisals and the monitoring of compliance by the M&E team. It is also testament to the strength of the MIS, its user friendliness and overall utility. These have all led to complaints staff wanting to ensure their good work is visible in the system and fostered a positive competitive spirit that will drive institutional performance. It is a demonstration of what can be achieved with the wider functionality of the MIS.

### *Violations and other areas of information management*

Whilst complaints are a core function of the MIS, and of ICHR's mandate in general, information management extends across other areas of work of the organisation and is cross-cutting in its application. It is in these respects that the full potential of the MIS has yet to be realised and the Evaluation Team encourages ICHR to focus on building user engagement in these areas, whilst continuing to expand usage and utility in relation to complaints. Two areas, as an example, would be in the documentation of violations and in recording training activities.

By recording reports of violations that are known to ICHR (but that are not made into a complaint), a rich and nuanced assessment of the human rights landscape will be possible, building on the analysis that is already feasible through the MIS complaints data. Similarly, with training activities, utilisation of the MIS will enable a deeper understanding of effectiveness in changing behaviours.

Training data could also be read in conjunction with complaints data to assess whether interventions within a particular agency – the current focus on the police, for example, has a long-term impact on the number of complaints received against those who have been trained.

### *Realising future potential*

The evaluation team once again commends ICHR on its excellent work in developing and adopting the MIS and encourages continued institutional investment to realise its full potential. To do so requires a dual approach; consolidation of success to date and expanding usage. Consolidation requires maintaining the same, or higher, levels of effort in building user compliance. It also requires the same level of effort in ensuring data integrity. Currently this function is undertaken by Ms. Suhail Haijaj, who reviews all data entered to ensure consistency in indexing and validity of data. This role is critical for the long-term success of the MIS. Without standardisation of data, which is what this role ensures, the information will quickly become obsolete as subjectivity in classification will creep in compromise the quality of the data. The other major area of consolidation and strengthening that ICHR should focus on is the increased use of the complaints data it has through the MIS to inform its own reports – annual, quarterly, thematic investigations, treaty body reports, etc. This primary data is invaluable in supporting ICHR recommendations and will further build institutional credibility once published more widely.

Beyond consolidation, ICHR should expand usership across all divisions to provide comprehensive coverage of institutional programmatic information, using the same approach as with complaints by linking compliance with appraisals and providing the same level of support and training necessary for adoption.

This will then allow ICHR to start to realise the full potential of the MIS by identifying trends through comparison of divisional data and informing strategic decision making and advocacy. In addition to the examples above of analysis and data use that will be possible, ICHR can use this rich data to inform their interventions in committees such as those which focus on the national budget or judicial reform. The data can also be used to demonstrate the need and value of ICHR's work, and link to staffing levels to support budgetary requests to the PA. Shadow reports can draw from a variety of sources to unpack the root causes of issues, beyond what complaints data alone might highlight – for instance attitudes towards particular groups that is captured within training activities. These are just a few examples, but many more applications will be possible once comprehensive ongoing data collection within the MIS is achieved thanks to the dexterity and design of the system.

**Recommendation 30: The evaluation team commends ICHR on its excellent work in developing and adopting the MIS, notes its contribution to ICHR accountability, and encourages continued institutional investment to realise its full potential.**

**Recommendation 31: Beyond consolidation, ICHR should expand MIS use across all divisions to provide comprehensive coverage of institutional programmatic information, using the same approach as with complaints by linking compliance with appraisals and providing the same level of support and training necessary for adoption.**

## Sustainability and finances

When recently re-accrediting ICHR as an 'A' classified NHRI, deemed to be fully compliant with the 'Paris Principles', GANHRI-SCA expressed concern that "the Government provides only a small percentage of the ICHR's budget, and that it has regularly failed to honour its contribution". It recognised, however, that in rare and specific circumstances international donors may be required to enable an NHRI to operate. Such is the case of ICHR, where an international donor consortium of four members, led by Switzerland, with a fifth just joining, has provided the financial stability that has been a critical factor in ICHR effectiveness. The donor relationship with ICHR has been one of mutual respect, willingness to share perspectives and an absolute commitment to ICHR's independence. The three-year funding cycle has significantly contributed to ICHR's effectiveness.

The SCA noted that "NHRIs should not be required to obtain approval from the State for external sources of funding, which may otherwise detract from its independence. Donor funding should not be tied to its defined priorities but rather to the predetermined priorities of the NHRI". And further, adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the institution's operations and the fulfilment of its mandate".

In terms of the SCA requirements, the ICHR's donor consortium is a model exemplar.

There were indications to the evaluation team that the consortium could consider increased funding should a case be made for it. The Director-General expressed the IHCR Board's immense appreciation for the support of the donors but told the team that it is his advice to the Board not to over-extend its financial commitments in view of the complex environment in which the ICHR operates and the uncertain future.

While acknowledging the wisdom of a conservative approach in these circumstances, and a legitimate wariness about adding to the staff schedule, the evaluation team also recognises that there are some critical positions where unforeseen loss of a single staff member would cripple that area work, at least for a period. Workloads were also raised by some staff as justifying additional recruitment.

In addition to the donors' consortium, ICHR has also received support and technical assistance from the DIHR, OHCHR and some national actors, both state and non-state. In each case the documentary evidence reflects the value of those relationships.

As already acknowledged, ICHR's financial status is strengthened by the high quality of its internal auditing and monitoring and evaluation. In addition, its financial systems are robust, and it has consistently received clean external annual audits.

The evaluation team supports the recommendations of the 2019 Evaluation and that of SCA that ICHR should continue to advocate to the Palestinian Authority for its current contribution to be paid in full in a timely manner and for the quantum to be progressively increased.

### Evaluation Framework

Strategic Plan:	Key Result Area 5 Targets 1, 2
Evaluation:	TORs 5.1(b), 5.1(d), 5.1(h), 5.2
Previous Recs:	2019 Evaluation Recs 2.6, 2.7

**Recommendation 32: Continue to advocate to the Palestinian authority for its current contribution to ICHR to be paid in full in a timely manner and for the quantum to be progressively increased.**

## Institutional capacity

### Leadership

Leadership is crucial to organisational effectiveness, with coordination and cooperation between the key leadership positions vital. ICHR has a group of Board members from a range of sectors of Palestinian society and with diverse expertise and experience. They are committed to the independence, credibility and effectiveness of ICHR. There is a sound relationship between the Commissioner General, the Executive Board Committee and the Director-General.

Issues raised about Board members came from staff who recognised their expertise and potential to contribute more to ICHR than attending Board meetings. Some external participants made similar comments. It was suggested that while it was appropriate for the Executive Board Committee to monitor the ICHR performance, specifically in relation to implementation of the Strategic Plan priorities and other decisions of the Board, each Board member should be allocated a particular responsibility relating to their areas of expertise and experience and staff should be able to draw on them for advice and guidance on those topics. It was further suggested that Commissioners should be more visible in public support of ICHR initiatives and in advocating ICHR human rights positions.

It was noted that, for a variety of reasons, similar proposals in the past had not produced the expected results. However, with a stable and settled Board, and a new Strategic Plan in development, it was timely to revisit these suggestions, including refreshing and updating the Commissioners Bylaw.

**Recommendation 33: Maintain regular cycle of calling for nominations and appointment of new Commissioners with the participation of civil society representatives.**

**Recommendation 34: Increase engagement of Commissioners by assigning specific responsibilities related to areas of expertise that staff can draw on.**

**Recommendation 35: Identify critical staff positions where sudden departure or long-term absence could be a risk to ICHR business continuity and build internal capacity to backfill those positions at least on a temporary basis.**

**Recommendation 36: Further strengthen central office and regional offices directors' staff management skills and their capacity for team building, collaboration and cooperation across teams, and professional collegiality.**

**Recommendation 37: Require directors and managers as part of their job to build team spirit and a collaborative culture within ICHR. Make it an indicator in their performance appraisal.**

### Planning

As noted above, quality strategic planning, annual planning, a log frame as well as monitoring evaluation and internal audit are impressive features of the ICHR's institutional capacity and critical to its independence and credibility.

## Evaluation Framework

Strategic Plan:	Key Result Area 5 Targets 1, 2, 3
Evaluation:	TORs 5.1(e)-(g), 5.1(i)-(l)
Previous Recs:	Gender Audit Recs 1-5, 7, 9-12 2019 Evaluation Recs 2.1(a)-(b), 2.2 - 2.5, 2.8, 6.1, 6.2 2016 Evaluation Recs 30-40 GANHRI Recs 2, 4, 5

Given the importance of effective planning the Evaluation team undertook a careful analysis of the current Strategic Plan, the annual plan and the log frame and the results of that analysis are summarised below. In most respects the ICHR planning processes are exemplary. There are just a few areas for further improvement.

### *Strategic Plan*

The 2020 Strategic Plan is further evidence of ICHR's maturity as an NHRI, the thoroughness with which it analyses, identifies and plans its priorities and long-term and short-term work programme.

The Strategic Planning process and the Independent Evaluation are both resource intensive. Now that ICHR has proven data management and monitoring systems in place, it is timely to move to a five-year for 2023-2027 with an internal mid-term review every 2.5 years and an Independent Evaluation every five years. This will certainly be less resource onerous and more efficient. But most importantly it provides a longer period to achieve human rights outcomes and assess ICHR's actual impact on strengthening understanding and respect for human rights.

Given the importance of the Strategic Plan, including its role in making the ICHR publicly accountable, the Evaluation team undertook a detailed review of it; concluding that it was of high quality but identifying a few areas for improvement. The points that follow are the result of that review and we hope will be helpful for the development of the next Strategic Plan.

- Overall the SF Key Result Areas and corresponding targets are simple and clearly defined.
- There is a lot of introductory text that could be cut down or put in annexes (e.g., SWOT analysis, institutional staff breakdown). The main body of the SP starts on page 15 and could be a lot earlier.
- Overall, there a comprehensive and clear strategy, covering the main areas of ICHR Work
- There is a clear approach and hierarchy to each Key Result Area. KRA > Target(s) > Outcomes
- Some outcomes are more like outputs (e.g., 'Strategic litigation on behalf of complainants')
- Could potentially build in more flexibility by outlining how targets may not be met if many emerging issues arise that need to be prioritised

### Logical Framework

- In the LF there is some confusion between outcomes and outputs. The outputs under the outcome areas are also outcomes. These just need to be reclassified as sub-outcome areas and may be a translation issue.
- There is a clear distinction within the LF of indicators that are within the control of ICHR and those that are not - this is very good that they are monitoring both and making the distinction
- In the LF there are several indicators on gender and social inclusion, which is a good indicator of their commitment to this area.
- Indicator 1.4, however, is not a realistic one to measure. An alternative suggestion is one indicator on gender /social inclusion mainstreaming per outcome area that is realistic and measurable, based on the information already collected.
- Some of the indicators look to be in the wrong outcome areas. For example, indicator 5.2.3 on audience reach is in outcome area 5, rather than outcome area 3.

### Action Plans

- The Annual Action Plans link very well to the Strategic Plan. They provide the flexibility required to respond to changing circumstances but do not deviate from the overall strategic framework
- It appears there is a different log frame developed for each annual action plan - this should not be necessary, and the overall log frame should have enough flexibility built into it to track all

activities. If the action plans are aligned to the strategic plan and the indicators well defined, then this would not be necessary.

- The thematic priorities for each year are set in the introduction to the Action Plans and then integrated into the planning process. This is an excellent approach and should be encouraged. Each divisional director should address how the thematic areas of focus will be addressed within their respective mandates.

#### Linkages and overall comments

- There is a good broad link between the SP and the LF - the outcome areas in both are directly linked. For example, outcome area 1 of the LF links to KRA1 of the SP
- However, the link between the SP and the LF could be stronger - there is not always a direct correlation between the SP targets and the LF indicators. Sometimes there is, sometimes there isn't. A consistent approach to this would strengthen the LF.
- Overall, the LF is a decent effort but could be streamlined, for the outcome areas to better link to the SP KRA targets and for the indicators to be more realistic and measurable. For example, the one indicator for ending Palestinian political divide is number of complaints received.
- We haven't heard whether the LF was developed in tandem with the SP, using the same working group but it would be good to encourage ownership of the process at the divisional head level, particularly in designing indicators.
- Needs to be a clear and common understanding of KRAs, targets, outcomes, outputs and indicators, that flows between the three documents. It is almost there but not quite comprehensively and consistently applied.

#### **Recommendation 28:**

**(i) Extend the timeframe of the strategic plan to five years.**

**(ii) Contract an independent evaluation of the strategic plan implementation every five years.**

**(iii) Undertake an internal half-term review at 2.5 years of the strategic plan's implementation.**

**(iv) Strengthen the focus on outcomes in the next strategic plan with an emphasis on:**

- Increased regular complaints handling by the regional offices
- Establishment of a programme of inspections of places of detention, to supplement their regular complaints visits
- Development of a Communications 4 Development approach
- Expansion of the use of MIS, particularly in relation to using the data contained within the MIS to provide further evidence for ICHR thematic investigations and its Annual Report
- Development of a tracking system for ICHR recommendations and a programme of intensive follow-up

#### *Regional offices*

The evaluation team visited regional offices in Ramallah, Nablus, Hebron and Gaza. While each had unique features, there was agreement from regional directors and field researchers that the regional officers should be authorised to handle more complaints at the local level. They spoke of frustrations of complainants when their complaints could not be actioned locally and when there

were delays in getting a response when complaints were referred to the national office.

With focused capacity development, guidelines and a regularly updated Complaints Handling Manual plus appropriate oversight, delegating all but the most serious complaints to be handled, to the extent possible, at the local level, would open some more space for national office staff to identify and develop initiatives on systemic issues as well as follow-up on past IHRC recommendations that had not been implemented and on some occasions not even acknowledged.

While some suggestions were made for additional staffing in regional offices and particularly in the Gaza Strip, it is clear that, given recent intensification of Israeli control over East Jerusalem, the establishment of a field researcher in East Jerusalem should be the priority.

**Recommendation 39: Establish a field researcher position in East Jerusalem and monitor its development over three years to determine whether to extend it to regional office status**

### *Staffing*

The 2019 Evaluation recommended “Upgrading internal human resource focus and capacity, including the establishment of a strong focal point within the organisation. Its focus should include strategically designed general and specialised internal staff capacity development planning; in particular for field staff a regular mechanism for debriefing and expertise in dealing with trauma; as well as to ensure updated staff policy to reflect a higher degree of trust and outcome-based performance assessment as well as for e.g., work hour flexibility”.

As further evidence of ICHR commitment to responding to the results of the three yearly evaluations, an appointment of a human resources officer has been made and a number of the recommended actions are now underway, including, specifically, a review of the performance appraisal system. The latter was a cause of complaints from staff in 2019 and continued to be raised with the 2022 evaluation team. Now the question from staff is whether the position of the human resources officer is at a high enough level to be taken seriously by management and Commissioners; and whether it is at a sufficient level to assist in the resolution of conflict between, for example, senior staff members. Of equal concern was the observation of the evaluation team that the Director General carried a particularly heavy workload and that issues, which in other circumstances, would be handled by an experienced human resource officer in the senior management team invariably ended up on the Director General’s desk.

Other personnel issues raised by staff related to salaries, classifications, workloads, well-being and support for trauma experienced in the job, expectation of clocking in at the standard time even when working outside standard hours, as many field researchers told us they do. There was some concern that administration and support staff were not viewed as equal to professional staff. Staff who had been with the ICHR for more than ten years expressed frustration at lack of pathways to progress within the organisation.

The evaluation team undertook a comparison of the salary scale and other terms and conditions of employment within the ICHR with comparable public and community sector organisations. It is clear that ICHR has a salary scale and conditions of service which in many respects are better than other equivalent organisations. Frustrations are common in small and medium size organisations when long-serving staff reach their maximum on the salary scale and there is nowhere for them to progress further. In some places alternatives such as additional leave, study opportunities or a one-off allowance, are available to long-serving employees as a counter to those frustrations.

In relation to workload concerns, the evaluation team was told there had been a review 2-3 years ago,

at the time of the salary scale review with a local external expert brought in to do it. Such a review every two or three years would be best practice, providing it involves active staff participation. It would help to build staff trust in the project if the recently revived staff union committee becomes fully functional and is involved directly in negotiations on behalf of the staff.

Most concerning, however, is the apparent lack of mental health support for staff. We heard that there are cultural barriers to acknowledging the need for mental health services, which are, in fact, available if requested. And yet the issue was repeatedly raised with the team. A best practice approach would be to start with a survey of staff in confidence about what sort of support or service would be most relevant and appropriate.

The need for improved internal communications was also a frequent refrain.

**Recommendation 40: Undertake regular reviews of staffing levels / workloads, staff distribution,**

**Recommendation 41: Review current flexible working hours policy in consultation with staff, ensure it is well communicated and assess whether any change is required.**

**Recommendation 42: Encourage the development of the staff union, providing for a paid union meeting of two hours twice a year; and ensuring the staff performance appraisal review is undertaken in consultation with the staff union and staff members.**

**Recommendation 43:**

**(i) Undertake a staff survey to identify staff awareness of current health and safety policy and services; current health and safety issues and to request how best to support staff suffering from stress or Post Traumatic Stress disorder (PTSD) as a result of the job**

**(ii) Review staff health and safety policy taking account of the results of the survey.**

**Recommendation 44: Develop and implement a comprehensive staff welfare and protection framework within ICHR and establish regular well-being checks of staff.**

**Recommendation 45: Improve internal communications, including by embedding regular staff meetings - every two months or quarterly - and continue to refine other internal communications approaches**





## 2.7 Conclusion: Final Performance Rating

The 2022 Independent Evaluation has examined the performance of ICHR, as required by the terms of reference, in relation to the five Key Outcomes / Results Areas of the 2020-2022 Strategic Plan, namely:

- Promotion of measures of prevention, protection, accountability and redress
- Promotion of a national legislative, policy and institutional framework upholding human rights, in conjunction with Sustainable Development Goals (SDGs)
- Promotion and dissemination the culture of human rights
- Promotion of regional and international cooperation
- Promotion ICHR institutional development and sustainability

As the detailed account of the examination of its performance demonstrates in sections 2-6 of this report, the Independent Commission on Human Rights of Palestine is a high performing national human rights institution and Ombudsman's Office. It has successfully integrated the good governance mandate, that of the traditional Ombudsman's Office, and the human rights mandate that comes with its status as an A accredited national human rights institution. It continues to deal with complaints of maladministration with reference to existing Palestinian laws, regulations decrees and those of human rights violations measured against international human rights standards. It is using the promotion mandate of a national human rights institution – through awareness raising, education, capacity building and use of diverse communications tools - to build awareness and understanding of both good governance and human rights.

The quality of its performance is more notable for the fact that it is operating in a divided Palestine under Israeli Occupation. Its implementation of the recommendations of the 2016 and 2019 Evaluations and the Gender Audit reflects a leadership committed to rigorous monitoring, evaluation and learning, to continuous improvement.

Building on progress made since 2019, this report proposes a period of consolidation and an extension of the strategic planning cycle to five years to allow for a more realistic timeframe to achieve substantial outcomes, whether civil and political, economic, social or cultural rights; and to deepen its engagement with marginalised groups and communities.

The report provides evidence of its relevance, effectiveness and impact in each of the four programme Outcome areas. That evidence was reinforced for the evaluation team by the high regard in which ICHR is held by virtually all those it interviewed. A number of West Bank and Gaza Strip government agencies described the value of engagement with ICHR, particularly in relation

to awareness raising and education for their staff and sought an increase of such programmes.

At the macro level, the evaluation team was told by some civil society activists, government authorities and international contributors to the evaluation that the ICHR should extend its role to directly tackle Israeli Occupation violations of human rights and the West Bank – Gaza Strip divide. Some also advocated a more active role for ICHR in building international recognition of the detrimental impact of the Occupation on human rights in Palestine, indeed on every aspect of Palestinians' lives.

The evaluation team recognises that as the Occupation appears permanent and becomes ever more restrictive, these questions will persist. The ICHR Board is the appropriate decision-maker on such major strategic issues. On the basis of the evaluation, we greatly respect the ability of the ICHR Board on the recommendation of the Executive Committee to determine if and when change is required to the ICHR response to Occupation violations.

At this time, the 2022 evaluation team agrees with the 2016 and 2019 ICHR Evaluation Reports conclusion that the ICHR "has been successful in getting the balance right" between addressing the ways the Israeli Occupation impacts on human rights in Palestine while not allowing "its principal concern – the actions and omissions of the Palestinian authorities – to be overshadowed by responses to the Occupation".

We are equally in agreement that "ICHR has also been successful in responding to the internal divisions in Palestine. It is now one of only two truly national Palestinian institutions. [The other is the Palestinian Central Bureau of Statistics.] It operates fully in both the West Bank and Gaza and deals effectively with both administrative authorities". It is clearly, however, outside the mandate of an Ombudsman or a National Human Rights Institution to resolve those divisions. What it can do, and is doing, is advocate for the urgently required national elections and other essential elements of a functioning, democratic state.

In terms of efficiency, institutional capacity, sustainability and risk management, Outcome 5, the evaluation acknowledges ICHR's considerable progress in the last three years, building on developments dating back to the 2016 Evaluation report and implementation of the recommendations of the 2019 Evaluation and the Gender Audit. As the recommendations show, there is opportunity, however, for further institutional strengthening.



## Table of Findings, Conclusions and Recommendations

Evaluation Findings	Conclusions	Recommendations
<i>Promoting measures of prevention, protection, accountability and redress</i>		
<i>Complaints</i>		
<ul style="list-style-type: none"> <li>• ICHR is generally highly respected for its complaints handling.</li> <li>• The development of a new user-friendly Management Information System is a key asset in analysing complaints trends and related data for decision-making.</li> <li>• Main issues: are lack of responses by authorities to some recommendations / delays caused in some cases by over-centralisation / in some cases accepting authorities response without providing complainant with human rights analysis.</li> </ul>	<ul style="list-style-type: none"> <li>• There is evidence of regional office capacity to handle 'regular' complaints.</li> <li>• Further delegation to regional offices would likely be more efficient, more effective for 'regular' complaints and free up central office resources for greater focus on most serious complaints and systemic issues and on tracking and following up recommendations.</li> </ul>	<p><b>Recommendation 1:</b> Through a consultative process involving the regional offices and central complaints division, develop a process for enhanced human rights analysis of regular and systemic complaints.</p> <p><b>Recommendation 2:</b></p> <p>(i) Extend delegated to authority to regional offices for handling 'regular' complaints unless they deem it to necessary to refer it to Central Office.</p> <p>(ii) Accompany extended delegation to regional offices to handle 'regular' complaints with capacity building, guidelines, updating of the Complaints Manual and supportive oversight.</p> <p><b>Recommendation 3:</b> To further build respect for the ICHR and demonstrate its objectivity, expand the complaint satisfaction evaluation process to assess respondent satisfaction as well as that of complainants and use this information as part of monitoring of the effectiveness of the regional delegated authority and increased human rights analysis of responses.</p>
<i>Detention Monitoring, Inspections &amp; a National Preventive Mechanism</i>		
<ul style="list-style-type: none"> <li>• ICHR provides comprehensive coverage of places of detention in the West Bank and Gaza, with monthly visits undertaken by field researchers to take complaints from detainees.</li> <li>• ICHR strategically focuses its efforts on marginalized groups and plays a leading role in advocating for their rights.</li> <li>• ICHR has credibility within the leadership of many places of detention, enabling them to effectively advocate for the resolution of human rights issues.</li> <li>• There are concerns within ICHR and across civil society about the independence and effectiveness of the proposed National Preventive Mechanism (NPM)</li> <li>• ICHR has developed a system for the inspection of places of detention that is consistent with that required of an NPM.</li> </ul>	<ul style="list-style-type: none"> <li>• ICHR needs to develop a strategy for the establishment of the NPM that accounts for the different possible scenarios which currently look likely.</li> <li>• ICHR should increase its detentions programme. In addition to its regular visits to collect and address complaints, it should establish a regular programme of inspections using the monitoring tool it has developed.</li> </ul>	<p><b>Recommendation 4:</b></p> <p>(i) Continue to expand ICHR coverage of marginalised groups and understanding of the specific issues faced by these groups in places of detention.</p> <p>(ii) Continue to advocate that the source of the risk posed to women detained for their protection be addressed, rather than having their right to liberty continuing to be restricted as a protection measure.</p> <p><b>Recommendation 5:</b> Ensure routine inspections and monitoring of all places of detention in Palestine through the following steps:</p> <p>(i) continue to advocate for ICHR to serve as the NPM</p> <p>(ii) strengthen its own capacity to undertake comprehensive, systemic inspections and monitoring through its field researchers. In addition to monthly visits to receive complaints, also programme comprehensive monitoring inspections during the year</p> <p>(iii) if advocacy efforts under (i) above fail, monitor the effectiveness of the established NPM, provide capacity building support, and increase or decrease its activities under (ii) depending on how effectively the NPM is undertaking its mandate.</p> <p><b>Recommendation 6:</b> Continue to advocate for unannounced access to all places of detention in the West Bank and in the Gaza Strip.</p>

<i>Building capacity of duty bearers</i>		
<ul style="list-style-type: none"> <li>• ICHR has a comprehensive training programme that is strategic and targeted.</li> <li>• The ICHR training programme achieves change in reducing violations in priority institutions.</li> <li>• ICHR undertakes pre and post training evaluations.</li> </ul>	<ul style="list-style-type: none"> <li>• MIS data could be utilized to better inform areas of focus for ICHR training interventions.</li> <li>• Sample long term evaluation of training participants will inform ICHR of the sustainability of their interventions.</li> <li>• Qualitative data collected (i.e. collecting stories and qualitative feedback from participants) could be used to better inform ICHR of their effectiveness and in promoting the work of the institution.</li> </ul>	<p><b>Recommendation 7:</b> Further strengthen capacity building and training by increasing use of institutional data to prioritise programme areas.</p> <p><b>Recommendation 8:</b> Enhance Monitoring &amp; Evaluation through longer-term follow-up and collection of qualitative as well as quantitative data and undertake one external evaluation of a capacity building or training programme per Strategic Plan cycle.</p> <p><b>Recommendation 9:</b> Increase external communication of outcomes through ICHR reports and social media.</p>
<i>Access to Justice</i>		
<ul style="list-style-type: none"> <li>• ICHR uses its strategic litigation function strategically and to great effect.</li> <li>• The independence and effectiveness of the Palestinian judiciary is under extreme duress, impacting on the enjoyment of human rights – primarily the right to a fair trial.</li> <li>• Whilst the current State of Emergency is not currently being used to infringe human rights in Palestine, there is questionable justification for its continuation.</li> </ul>	<ul style="list-style-type: none"> <li>• There is scope for ICHR to increase its use of strategic litigation to address systemic human rights issues</li> <li>• ICHR can play an important role in strengthening the judiciary, through direct capacity building and collaboration with civil society</li> <li>• To avoid future human rights violations, the current State of Emergency needs to be reviewed and brought to an end if it cannot be justified in line with the Siracusa Principles</li> </ul>	<p><b>Recommendation 10:</b></p> <p>(i) Make public the ICHR criteria for determining cases for strategic litigation, including:</p> <ul style="list-style-type: none"> <li>• severity of the human rights abuses</li> <li>• number and vulnerability of those suffering human rights violations</li> <li>• likelihood of success</li> <li>• risks to ICHR.</li> </ul> <p>(ii) Further develop the internal ICHR capacity to take on strategic cases that meet the criteria.</p> <p><b>Recommendation 11:</b> Continue to engage with initiatives to strengthen the independence and quality of the judiciary including through activation of the Legislative Monitoring Network, participation in the Harmonisation Committee, other advocacy channels.</p> <p><b>Recommendation 12:</b> Continue to advocate for the end of the State of Emergency.</p>
<i>Promoting a national legislative, policy and institutional framework upholding human rights, in conjunction with the SDGs</i>		
<i>Legislative Review &amp; Implementation</i>		
<ul style="list-style-type: none"> <li>• In the absence of the PLC, ICHR's role in the scrutiny of legislation and budgets is essential.</li> <li>• The long-term impact of ICHR's interventions in this area are unclear.</li> </ul>	<ul style="list-style-type: none"> <li>• There is the potential for ICHR to increase their influence in this area of work, through the Legislative Monitoring Network, Harmonisation Committee, Committee for National Budgetary Transparency and the National Mechanism for Implementation, Reporting and Follow-Up.</li> </ul>	<p><b>Recommendation 13:</b> Re-energise the Legislative Monitoring Network and utilise this, participation in the Harmonisation Committee, Committee for National Budgetary Transparency, and other advocacy channels to follow-up on recommendations made as a part of ICHR's legislative and budget reviews.</p>
<i>Thematic Investigations</i>		
<ul style="list-style-type: none"> <li>• The political void left by the absence of the PLC has required ICHR to increase its focus on thematic investigations to address systemic human rights</li> </ul>	<ul style="list-style-type: none"> <li>• Publicly communicating the criteria by which ICHR decides whether to instigate a thematic investigation or participate in a national process would increase its accountability and</li> </ul>	<p><b>Recommendation 14:</b> Publicly communicate the criteria for determining whether to join an official investigation or establish an independent process.</p> <p><b>Recommendation 15:</b> Undertake a National Public Inquiry during the next Strategic Plan cycle.</p>

<p>issues.</p> <ul style="list-style-type: none"> <li>• ICHR has demonstrated its excellence, ability to operate independently on sensitive matters, and broker solutions with authorities, often in partnership with civil society organisations.</li> <li>• There is a need for greater transparency around how ICHR determines which issues to investigate or participate in a national process.</li> </ul>	<p>independence as an NHRI</p> <ul style="list-style-type: none"> <li>• A full public national inquiry could elevate the status of, effectively address a large-scale systemic human rights issue and utilize the skills and advocacy of the Commissioners.</li> </ul>	
<i>Annual Report</i>		
<ul style="list-style-type: none"> <li>• ICHR's Annual Report plays an important role in the human rights discourse in Palestine and is a reference point for academics, civil society, diplomatic missions, and the Palestinian authorities themselves.</li> <li>• The Annual report is reliant on external data and does not draw upon ICHR's own institutional data.</li> <li>• ICHR does not have a systematic process for tracking implementation of the recommendations made in its annual plan and other thematic investigation reports.</li> </ul>	<ul style="list-style-type: none"> <li>• ICHR could increase its focus on follow-up to recommendations and establish a comprehensive tracking system, to ensure their recommendations are implemented.</li> <li>• ICHR could increase the evidential base of its annual report by drawing on internal data and statistics, including from the MIS as well as those from external sources.</li> </ul>	<p><b>Recommendation 16:</b></p> <p>(i) Establish a tracking system for ICHR's recommendations arising from thematic investigations, national inquiries, shadow reports, legislative and budget review, advocacy, and Annual Reports.</p> <p>(ii) Provide resources in strategic and annual planning for 2-3 years of active follow-up on recommendations in major thematic investigations and national inquiries.</p> <p>(iii) Propose an MOU with the Secretary of Ministries and any other relevant high-level authorities to regularly discuss implementation of ICHR's recommendations.</p>
<i>Advocacy</i>		
<ul style="list-style-type: none"> <li>• ICHR's advocacy campaigns are targeted at institutions and groups identified as priority using information from other divisions, such as complaints and detention monitoring.</li> <li>• An annual thematic priority identified, giving ICHR's advocacy a strategic and targeted focus.</li> <li>• Currently, Commissioners do not play a regular and active role in advocacy campaigns, but there is appetite within ICHR for this.</li> </ul>	<ul style="list-style-type: none"> <li>• The identification of the annual thematic priority could be undertaken in a participatory manner, to encourage ownership within the organization and among external stakeholders.</li> <li>• The experiences and standing of the Commissioners could be utilized to increase the impact of ICHR's advocacy campaigns.</li> </ul>	<p><b>Recommendation 17:</b> CBARD develop an advocacy plan structure appropriate to the thematic issues that ICHR adopts every year. This structure should identify its annual theme through a participatory approach, as well as its activities, and define each department's responsibilities, implementation mechanisms, its review and evaluation, and articulate a modification mechanism.</p> <p><b>Recommendation 18:</b> Encourage Commissioners to actively join ICHR advocacy campaigns.</p>
<i>Promoting and disseminating the culture of human rights</i>		
<i>Awareness Raising</i>		
<ul style="list-style-type: none"> <li>• Over the past three years, ICHR has worked to develop its guides and educational materials to incorporate and ensure gender mainstreaming.</li> <li>• ICHR has prepared internal tools to measure the impact of its awareness campaigns, although</li> </ul>	<ul style="list-style-type: none"> <li>• ICHR to continue to grow its institutional understanding of what is constitutes effective awareness raising, through the delivery and evaluation of activities.</li> <li>• The impact of ICHR's awareness raising activities could be</li> </ul>	<p><b>Recommendation 19:</b> Initiate cumulative awareness campaigns, starting with the basics of human rights and freedoms, and then building on them with more detailed and specialised issues.</p> <p><b>Recommendation 20:</b> Encourage Commissioners to contribute more actively to ICHR awareness- raising campaigns.</p>

<p>this remains a challenge.</p> <ul style="list-style-type: none"> <li>Currently, Commissioners do not play a regular and active role in awareness activities, but there is appetite within ICHR for this.</li> </ul>	<p>increased by the strategic use of the Commissioners.</p>	
<p><i>Communications and Use of Media</i></p>		
<ul style="list-style-type: none"> <li>Since the restructuring of the public relations and media unit into a newly formed communications unit, ICHR has taken positive steps to improve its capacity within the unit and across the organisation.</li> <li>The launch of the new ICHR website and online complaints system is a notable achievement.</li> <li>To be fully effective in its communications, ICHR needs to develop institutional understanding of core audience groups.</li> <li>There is a view within ICHR that internal communications could be strengthened.</li> </ul>	<ul style="list-style-type: none"> <li>ICHR's recent strengthening of its communications capacity and output is commendable and should continue.</li> <li>To become more effective in its communications, ICHR could adopt a contextualized approach through the development of messaging that core audience groups can relate to and is not overly reliant on human rights legalese type language.</li> <li>The strengthening of internal communications would lead to increased coordination and morale.</li> </ul>	<p><b>Recommendation 21:</b> Increase external communications on ICHR outcomes through increased use of social media and the development of knowledge products.</p> <p><b>Recommendation 22:</b> Build capacity to adopt a 'Communications for Development' approach. Undertake a participatory audience analysis and develop key messages for ICHR relating to all core functions that draw links between human rights, Palestinian culture and faith, to be disseminated through communications, reports, advocacy, training and awareness raising.</p> <p><b>Recommendation 23:</b> Strengthen internal communications to build staff awareness of institutional activities and internal developments, and to build collaboration between the West Bank and Gaza strip offices.</p>
<p><i>-Education</i></p>		
<ul style="list-style-type: none"> <li>Government agencies in the West Bank and Gaza Strip expressed appreciation of the capacity building ICHR had provided to their staff.</li> <li>The most common request was for an ongoing and more in-depth programme to build human rights knowledge and the ability to integrate that knowledge into their daily work.</li> <li>ICHR's engagement with marginalised and disadvantaged communities to build their capacity to promote and protect the human rights of their people must be developed.</li> <li>The safety of women for example cannot be secured by the state alone, but by their communities recognising their human rights and committing to protecting them.</li> </ul>	<ul style="list-style-type: none"> <li>While acknowledging the sustainability challenges faced by ICHR, dependent as it is on external donors, should additional resources be available education, capacity building and advocacy are areas that would benefit.</li> <li>Regardless of additional resources, no national human rights institution can respond to all the requests, whether from government agencies, civil society organisations or community groups.</li> <li>The Paris Principles specifies a relationship of NHRIs with civil society organisations in order to extend the reach of their services and programmes.</li> </ul>	<p><b>Recommendation 24:</b> Divide the unit plan into two components, based on work methodology, tools and target group; A) capacity-building and education based on knowledge content and educational materials as a methodology, and B) awareness-raising and advocacy based on campaigns as a methodology.</p> <p><b>Recommendation 25:</b> CBARD should conduct face to face internal workshops to discuss and adopt its new awareness-raising and capacity-building strategy.</p> <p><b>Recommendation 26:</b> ICHR should train a group of external trainers that it can rely on as accredited service suppliers according to its standards.</p>
<p><b>Promoting regional and international cooperation</b></p>		
<ul style="list-style-type: none"> <li>ICHR is an active voice at the international level, making regular interventions at the Human Rights Council and leading regional dialogue through positions such as Chair of the Arab Network of</li> </ul>	<ul style="list-style-type: none"> <li>ICHR should continue to use its regional and international voice to bring Palestinian human rights issues to a wider audience.</li> </ul>	<p><b>Recommendation 27:</b> Lobby strategically the Palestinian Government and the National Committee for SDGs to adopt ICHR SDG zero initiative and collaborate with regional and international networks to develop a long-term international advocacy campaign to urge the UN to</p>

<p>NHRIs.</p> <ul style="list-style-type: none"> <li>• ICHR demonstrates innovation through its international cooperation work. An example of this is the SDG Zero initiative.</li> </ul>		<p>adopt this initiative.</p> <p><b>Recommendation 28:</b> Continue to engage with the Ministry of Foreign Affairs on the strategic case for the State of Palestine to join the Universal Periodic Review mechanism (UPR) at the United Nations</p> <p><b>Recommendation 29:</b> ICHR should communicate clearly its objectives when engaging internationally and regionally, including giving consideration to an aim such as “increase regional and international support for Palestinian human rights issues at the international level”.</p>
<b>Promoting ICHR institutional development and sustainability</b>		
<i>Independence and accountability</i>		
<ul style="list-style-type: none"> <li>• The development of the Management Information System (MIS) is one of the most significant achievements during the current strategic plan to impact on ICHR institutional development.</li> <li>• The monitoring capacity it provides enables ICHR to respond to internal issues at an early stage and to analyse complaints and related trends, contributing to both accountability and independence.</li> </ul>	<ul style="list-style-type: none"> <li>• The full potential of the MIS has not yet been realised. Extending it beyond complaints handling during the next strategic plan period will enhance ICHR’s access to internal data for programme planning.</li> </ul>	<p><b>Recommendation 30:</b> The evaluation team commends ICHR on its excellent work in developing and adopting the MIS, notes its contribution to ICHR accountability, and encourages continued institutional investment to realise its full potential.</p> <p><b>Recommendation 31:</b> Beyond consolidation, ICHR should expand MIS use across all divisions to provide comprehensive coverage of institutional programmatic information, using the same approach as with complaints by linking compliance with appraisals and providing the same level of support and training necessary for adoption.</p>
<i>Sustainability and finances</i>		
<ul style="list-style-type: none"> <li>• ICHR’s donor consortium model is Paris Principles compliant and provides financial security in the absence of contributions from the Palestinian Authority.</li> <li>• ICHR has established effective project-based funding arrangements to further strengthen its financial independence and organizational effectiveness.</li> </ul>	<ul style="list-style-type: none"> <li>• ICHR should continue to strengthen its relationship with the donor consortium and other partner organizations, whilst advocating for the Palestinian Authority to fulfill its financial obligations to the institution.</li> </ul>	<p><b>Recommendation 32:</b> Continue to advocate to the Palestinian authority for its current contribution to ICHR to be paid in full in a timely manner and for the quantum to be progressively increased.</p>
<i>Institutional Capacity</i>		
<ul style="list-style-type: none"> <li>• ICHR has a Board of Commissioners with diverse expertise, experience and community connections.</li> <li>• The present process for appointing Commissioners is transparent, independent and emphasises civil society participation</li> <li>• ICHR has effective leadership and committed staff who take pride in their work and the ICHR.</li> <li>• The relationship between the Commissioner-General, Executive Board and Director-General is</li> </ul>	<ul style="list-style-type: none"> <li>• Given the quality of the Commissioners, greater use could be made of their expertise and experience, particularly in providing advice and guidance to staff when requested.</li> <li>• As with the 2016 and 2019 Evaluations, the 2022 team heard that ICHR’s internal culture could be strengthened if silos were broken down, a collaborative culture was encouraged within teams and across the organization and if directors had opportunities to</li> </ul>	<p><b>Recommendation 33:</b> Maintain regular cycle of calling for nominations and appointment of new Commissioners with the participation of civil society representatives.</p> <p><b>Recommendation 34:</b> Increase engagement of Commissioners by assigning specific responsibilities related to areas of expertise that staff can draw on.</p> <p><b>Recommendation 35:</b> Identify critical staff positions where sudden departure or long-term absence could be a risk to ICHR business continuity and build internal capacity to backfill those positions at least on a temporary basis.</p> <p><b>Recommendation 36:</b> Further strengthen central office and regional offices directors’ staff management skills and their capacity for team</p>

strong.	build their staff management skills.	building, collaboration and cooperation across teams, and professional collegiality. <b>Recommendation 37:</b> Require directors and managers as part of their job to build team spirit and a collaborative culture within ICHR. Make it an indicator in their performance appraisal.
<i>Planning</i>		
<ul style="list-style-type: none"> <li>• ICHR has demonstrated its strategic planning capabilities as evidenced in the 2020-2022 Strategic Plan.</li> <li>• The quality of internal auditing and monitoring and evaluation is also of a very high standard.</li> </ul>	<ul style="list-style-type: none"> <li>• The Evaluation makes some suggestions of detail rather than substance for further strengthening the strategic planning framework</li> <li>• It notes the need to be clear about and emphasise outcomes rather</li> <li>• Of concern, however, is the amount of resource, financial and human, that has to be spent every three years on an independent evaluation and the development of a new strategic plan. There is international recognition that making sustainable human rights changes requires a 5 to 10 year timeframe. Now that ICHR has demonstrated robust and reliable internal accountability mechanisms, the strategic plan should be extended to five years and the resources focused on implementation of ICHR recommendations</li> <li>• The report as a whole identifies areas that should be considered for prioritisation in the next strategic plan cycle</li> </ul>	<p><b>Recommendation 38:</b></p> <p>(i) Extend the timeframe of the strategic plan to five years.</p> <p>(ii) Contract an independent evaluation of the strategic plan implementation every five years.</p> <p>(iii) Undertake an internal half-term review at 2.5 years of the strategic plan's implementation.</p> <p>(iv) Strengthen the <u>focus on outcomes</u> in the next strategic plan with an emphasis on:</p> <ul style="list-style-type: none"> <li>• Increased regular complaints handling by the regional offices</li> <li>• Establishment of a programme of inspections of places of detention, to supplement their regular complaints visits</li> <li>• Development of a Communications 4 Development approach</li> <li>• Expansion of the use of MIS, particularly in relation to using the data contained within the MIS to provide further evidence for ICHR thematic investigations and its Annual Report</li> <li>• Development of a tracking system for ICHR recommendations and a programme of intensive follow-up</li> </ul>
<i>Regional Offices</i>		
<ul style="list-style-type: none"> <li>• Staff of the regional and sub-regional offices are the face and frontline of the ICHR. They are crucial to the accessibility of ICHR to all the people of Palestine.</li> </ul>	<ul style="list-style-type: none"> <li>• The Paris Principles require that a national human rights institution be accessible to everyone within the state.</li> <li>• Given the increasing repression and restrictions on movement imposed on Palestinians by the Israeli Occupation, a review of the extent of access for all to ICHR highlights the situation of those in East Jerusalem.</li> </ul>	<p><b>Recommendation 39:</b> Establish a field researcher position in East Jerusalem and monitor its development over three years to determine whether to extend it to regional office status</p>
<i>Staffing</i>		
<ul style="list-style-type: none"> <li>• In many respects ICHR is an excellent employer.</li> <li>• A careful comparison of ICHR's salary scale with equivalent other</li> </ul>	<ul style="list-style-type: none"> <li>• The Evaluation team noted that a level of discontent from staff was expressed to the 2016 and 2019 evaluation teams.</li> </ul>	<p><b>Recommendation 40:</b> Undertake regular reviews of staffing levels / workloads, staff distribution, salaries, working conditions, and areas of institutional risk.</p>

<p>organisations reveals it is generally better than others.</p> <ul style="list-style-type: none"> <li>• Women staff members interviewed said it was a good place for women to work – safe and comfortable.</li> <li>• In relation a few conditions of service, there appeared to be a disconnect between ICHR policies and what some staff experience; for example, flexible working hours, or access to support if suffering from stress cause by the job.</li> </ul>	<ul style="list-style-type: none"> <li>• An effective staff union and improved internal communications could improve staff morale and increase understanding of the restrictions unavoidable when working for a small or medium sized organisation.</li> <li>• A collaborative approach to negotiations between the leadership and the staff to terms and conditions of employment would strengthen the ICHR as a model employer.</li> <li>• While acknowledging the inevitability of a stressful environment for all in the West Bank and the Gaza Strip, the nature of ICHR’s mandate means staff, particularly regional staff can experience high levels of risk.</li> </ul>	<p><b>Recommendation 41:</b> Review current flexible working hours policy in consultation with staff, ensure it is well communicated and assess whether any change is required.</p> <p><b>Recommendation 42:</b> Encourage the development of the staff union, providing for a paid union meeting of two hours twice a year; and ensuring the staff performance appraisal review is undertaken in consultation with the staff union and staff members.</p> <p><b>Recommendation 43:</b></p> <p>(i) Undertake a staff survey to identify staff awareness of current health and safety policy and services; current health and safety issues and to request how best to support staff suffering from stress or Post Traumatic Stress disorder (PTSD) as a result of the job</p> <p>(ii) Review staff health and safety policy taking account of the results of the survey.</p> <p><b>Recommendation 44:</b> Develop and implement a comprehensive staff welfare and protection framework within ICHR and establish regular well-being checks of staff.</p> <p><b>Recommendation 45:</b> Improve internal communications, including by embedding regular staff meetings - every two months or quarterly - and continue to refine other internal communications</p>
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# Annex A - ICHR Independent Evaluation 2022 Terms of Reference

## 1. Background

The Palestinian Independent Commission for Human Rights (ICHR) is the Palestinian National Human Rights Institution, established by Presidential Decree No. (59) of September 1993 and is currently operating from its headquarters in Ramallah, as well as throughout its five Regional Offices in the West Bank and the Gaza Strip. It is also a constitutional institution stipulated for in (Article 31) of the Palestinian Basic Law of 2003. The Presidential Decree of 1993 provided ICHR the mandate to “follow up and ensure that all requirements to safeguard human rights are provided in the various Palestinian laws, by-laws and regulations, and in the work of the various departments, agencies and institutions of the State of Palestine and the PLO”. The Decree also entrusted ICHR with the drafting of its statutes in a manner that would ensure its independence and effectiveness. Article (31) of the Basic Law stipulated that “An independent commission for human rights shall be established pursuant to a law that will specify its formation, duties and jurisdiction. The commission shall submit its reports to the President of the National Authority and to the Palestinian Legislative Council” (PLC).

ICHR accordingly, has submitted its draft law to the PLC in May 2005, taking into consideration the Presidential Decree No. (59) officially published in the Palestinian Gazette in 1995, and Article (31) of the Amended Palestinian Basic Law, promulgated on 18 March 2003. The draft law has defined the dual character of ICHR as being the national human rights commission with an ombudsman function. The draft law has been discussed at the PLC in its general reading, but then the process was disrupted with the freezing of the PLC after the 2006 PLC elections and the internal political division in June 2007. ICHR’s statutes hence will only be passed once reconciliation is achieved, new PLC elections are undertaken, and the PLC is convened.

ICHR, as the Palestinian National Human Rights Institution (NHRI), works under a unique and complicated political situation compared with other NHRIs. It has always operated in a conflict zone, in absence of a Palestinian sovereign state and under the Israeli prolonged military occupation. ICHR’s work is further complicated by the internal political division and the presence of two governments, one in the West Bank and another in the Gaza Strip since 2007. Despite the extremely difficult context of the occupied Palestinian territory, ICHR has achieved its objectives to a very high level and has been highly effective in its work of promoting and protecting human rights. It has made good, steady progress that has seen significant gains achieved and consolidated. It has become a well acknowledged HR institute at the national, regional and international levels as a modality for NHRIs in the region, and in October 2021, ICHR made its application to the Sub-Accreditation Committee of the Global Alliance for National Human Rights Institutions and maintained its “A” status. Moreover, ICHR chaired the Arab Network for National Human Rights Institutions for the period of 2020-2021. In addition, ICHR signed a MOU with the Iraqi Higher Commission for Human Rights where ICHR is to provide them training and capacity building in the field of promoting and protecting human rights.

ICHR has become the reference point in law and human rights for official institutions and civil society organizations in Palestine, and an address for newly established NHRIs in the Arab region for building capacities and supporting the establishment of NHRIs in accordance with the Paris Principles. Nevertheless, ICHR continues to face great challenges with new political and human rights developments but it is well placed to meet and respond to them. This is done through the

systematic review and evaluation of progress made, obstacles faced and means of mitigating them.

ICHR current strategic plan runs till the end of 2022, ICHR aims to review its current strategy in order to enhance its ability to face major changes in the Palestinian context and to define its future direction with its new strategy starting in 2023.

ICHR achieves its objectives through the following activities:

- Handling and processing complaints submitted by citizens related to violations of legal and human rights, mal-administration and abuse of power by PNA and PLO institutions and/or officials;
- Conducting reviews of Palestinian laws, by-laws and draft laws to make sure they conform with international standards and principles of human rights;
- Interventions, mediation and litigation to bring redress to victims of specific human rights violations.
- Supporting and building the capacity of relevant authorities and civil society organizations regarding state reports, national consultations and shadow reports to human rights bodies.
- Advising and supporting the State of Palestine and CSOs in using international mechanisms.
- Providing consultation and filling in an advisory role to PNA official institutions to ensure their compliance with law and principles of human rights when conducting their tasks and duties.
- Lobbying and advocacy work with Palestinian decision-makers and legislators to ensure that policies and legislation are in conformity with international human rights standards;
- Awareness Building Programs to educate and widely disseminate the culture of human rights and law among Palestinian citizens, and to raise their awareness of their rights and freedoms and the mechanisms for their protection from violations;
- Training programs on law and human rights targeting Palestinian Law Enforcement and Government Officials to ensure the performance of their duties with due respect for the law and human rights principles;

Monitoring, documenting and reporting on the human rights situation in Palestine. This includes the publication of monthly reports, special and legal reports, fact-finding and investigation reports on specific human rights issues, and last but not least, ICHR's Annual Report on the status of human rights in Palestine.

## **2. Objectives of the External Evaluation**

An external evaluation is intrinsic to develop further ICHR's institutional capacity, to assess the organization's current performance and to assist in defining future directions. The purpose of this evaluation is to assess the overall achievement of ICHR's three-year (2020-2022) Strategic Plan, quality of implementation as well as the overall impact of the Strategy by reviewing ICHR's program activities and inter-institutional coordination undertaken during the period under review. The consultant will work with ICHR to document progress in its strategy based on the outcomes achieved with clear indicative measurements and result-oriented methodology.

The evaluation shall be two-fold;

1. To assess the relevance of ICHR program activities and structures to the goal of consolidating and strengthening the role of ICHR as the Palestinian national institution for human rights with the function of an ombudsman, considering Palestine accession to a number of international

conventions and treaties; and

2. To assess how appropriate ICHR's management, organizational structures and systems are for the implementation of its legal mandate and strategic plan.

The evaluation shall:

- Assess the success of ICHR in achieving its dual role/function, as both an ombudsman and an independent national human rights commission, again considering the accession of Palestine to several international conventions and treaties;
- Assess the success of ICHR in achieving its stated goals and strategic objectives, in terms of relevance, efficiency, effectiveness, impact, institutional capacity, sustainability and risk management;
- Assess ICHR's efforts to mainstream the rights of marginalized groups into the work of the institution (women, children and persons with disabilities), and the knowledge and expertise of ICHR in addressing economic, social and cultural rights, again considering the different international conventions and treaties Palestine has acceded to
- Assess different stakeholders' satisfaction from the programs and interventions implemented by ICHR.
- Review ICHR's developed "Logical Framework" for 2020 - 2022 to measure impact, highlight gaps and suggest ways to develop further measurable indicators for performance and achievements of ICHR at the level of impact, objectives and outputs. It is relevant to assess how efficient is ICHR's "Logical Framework", to measure achievements made by the commission, and how do the existing ICHR reporting templates serve the interests of the organization in reporting on activities and work undertaken. In addition, the review should identify barriers to effective operation and provide recommendations for overcoming those obstacles.
- Assess ICHR's implementation of the recommendations from the External Evaluation conducted in 2019 and the Gender Audit including the extent these recommendations have been/ not been implemented, if those recommendations are still relevant to ICHR and still require attention.
- Assess and review how ICHR is fulfilling the recommendations of the subcommittee of accreditation of GANHRI, mainly in tackling issues related to ICHR funding, diversity and pluralism in the context of gender, ethnicity, or minority.
- What recommendations does the Evaluation Team make for more relevant, effective and efficient operations of ICHR during its upcoming strategic plan 2023 - 2025?

In this context, the following are the main priority issues and questions that need to be addressed relating to ICHR strategic plan 2020-2022:

Outcome 1: Promote measures of prevention, protection, accountability and redress

1.1 Complaints handling: to what extent was ICHR successful in receiving and handling citizens' complaints of human rights abuses? Is ICHR capable of maintaining its wide access for Palestinians to complaint mechanisms? Was ICHR's complaints handling efficient, proficient and responsive to complaints' needs? Does ICHR have the right data collection and reporting system to reflect on developments of human rights situation in Palestine? Should ICHR expand its reporting on human rights situation beyond its complaints system? What other data collection could or should be in

place?

1.2 Is ICHR capable of identifying patterns of human rights violations? Has the institution generally been able to effectively intervene to address specific human rights violations and bring redress to victims? What future procedures can ICHR develop to further enhance its future interventions at the national, regional and international levels?

1.3 How is the performance of ICHR in monitoring prisons, detention centers, penitentiaries and protection homes? How can ICHR further enhance its monitoring role to those facilities?

1.4 How do you assess ICHR's work with official duty-bearers, especially from security agencies, to develop transparent procedures and systems to ensure accountability in cases of violations of human rights? Is ICHR also cooperating with other human rights organizations and CSOs in developing civilian oversight over Palestinian security agencies?

1.5 How is ICHR conducting its monitoring and documentation to specific human rights violations? Is this monitoring and documentation reflected in ICHR's reporting (monthly reports, fact-finding, special and annual reports)?

1.6 How do you assess ICHR interventions in rejuvenating the national protection and accountability systems?

1.7 How do you assess ICHR role in promoting citizens' access to justice?

1.8 How do you assess ICHR's legal and judicial interventions? Do you recommend that ICHR further develop its judicial interventions and litigation in human rights and principled cases of high interest to the public? What other relevant suggestions does the evaluation team propose to enhance further ICHR's role in judicial interventions and litigation?

1.9 Has ICHR sufficiently utilized national, regional and international mechanisms for the protection and promotion of human rights? (I.e. official transfer of cases to the public prosecutor, UN special procedures...etc.). With the promotion of Palestine into an "Observer State" with the UN, how can ICHR further enhance its interventions at the international level?

1.10 How do you assess ICHR role in monitoring the local government units' service provision to marginalized communities? Are they effective, accountable and transparent?

1.11 Is ICHR effective in monitoring, reporting and responding to gender-based violence cases?

1.12 How do you assess ICHR's role in training duty bearers about their duties and legal obligations towards rights-holders? (Legal and human rights reports, lobbying and advocacy activities...etc.). How ICHR's reports are received? Do they constitute a reference point to other human rights organizations and other stakeholders? Are those recommendations, especially those highlighted in the annual report, seriously addressed and implemented? What are the suggestions for more efficient follow up on ICHR's recommendations?

Outcome 2: Promote a national legislative, policy and institutional framework upholding human rights, in conjunction with Sustainable Development Goals (SDGs)

2.1 How do you assess ICHR's efforts to end the internal Palestinian political divide and to advocate for holding presidential and legislative elections?

2.2 How do you assess ICHR's work in supporting and monitoring whether regulations and policies issued in the form of laws by decrees as well as previous laws related to social, economic and cultural rights are consistent with international conventions and treaties on human rights?

Are campaigns related to legislations and policies, mainly those conducted in cooperation and coordination with CSOs are effective? How do you assess ICHR's work in monitoring policies and legislations with focus on legislations related to vulnerable groups (especially women and children) who are victims of violence?

2.3 How do you assess ICHR's conduct of national inquiries, most recently the national inquiry on health insurance? How can these inquiries be improved?

2.4 Is ICHR effective in reviewing national plans in line with human rights-based approach as well as with all international conventions and treaties that Palestine has acceded to?

2.5 How do you assess ICHR advisory role to the government and CSOs regarding the promotion, use and implementation of the different international mechanisms?

Outcome 3: Promote and disseminate the culture of human rights

3.1 How do you assess ICHR's awareness raising strategy? How effective is it in increasing the awareness amongst the public (right holders) about human rights?

3.2 How do you assess ICHR's partnerships with the media in order to increase the spread of its awareness materials? What about ICHR's use of social media tools/platforms to promote ICHR activities and human rights culture? Was ICHR able to utilize all media outlets (including ICHR website, social media networks and other innovative ways) for the dissemination of a culture of human rights in Palestine. How can ICHR further enhance this role?

3.3 How effective is ICHR role in influencing the educational curriculum and sector to have vital role in promoting and disseminating a culture of human rights?

3.4 How do you assess the targeting of schools, university students and influential people by ICHR? How can it be improved?

OUTCOME 4: Promote regional and international cooperation

4.1 Assess ICHR's engagement with the UN mechanisms for the protection and promotion of human rights, especially in highlighting Israeli infringements on Palestinian human rights mainly in respect to impact on the State of Palestine's capability to fulfil its obligations, with focus on the following:

- a. Submission of written and oral statements before the Human Rights Council.
- b. Attending the regular session of the Human Rights Council and the special sessions on the oPt (if any), especially those related to permanent agenda item (7) related to the 1967 Arab occupied territory.
- c. In engaging with the human rights' special procedures (country specific and thematic) through provision of information on human rights issues that fall within their mandate.

4.2 Assess ICHR's performance to support the reporting process for human rights treaties,, mainly in:

- a) Providing advice, consultation and guidance to official Palestinian duty-bearers on their legal obligations before treaty-bodies, especially through the regular representation of ICHR on the permanent inter-ministerial committee for treaty-bodies reporting.
- b) Review draft initial reports submitted by the State of Palestine, and provide consultation and recommendations before the submission of the initial reports to treaty bodies.

- c) The preparation of the parallel reports related to the initial reports submitted by the state.
- d) Work in partnership with human rights and CSOs in the preparation of their shadow reports to treaty bodies.
- e) To assess ICHR relationship with Palestinian civil society organizations and newly established coalitions
- f) Follow up on the recommendations given by the different treaty-bodies to the state of Palestine to ensure the implementation of those treaties, and the dissemination of those recommendations to the public
- g) Facilitation of the national consultations on the state reports and work toward making them inclusive and transparent.
- h) Does ICHR have the right capacities for its added mission to train and consult on HR reporting to international conventions and treaties? Does ICHR has the sufficient monitoring tools with human rights indicators and baselines to provide solid evidence based annual reports for progress or devaluation of human rights situation in Palestine?

4.3 How do you assess ICHR visibility and interaction on the regional and international level? Is ICHR able to be a reference point in law and human rights to all stakeholders at the national, regional and international levels (including to diplomatic missions), and the contribution of ICHR in the development and capacity building of NHRIs within the region?. In addition, how do you assess ICHR's presence and contributions to the work of the relevant networks of NHRIs and the institutional capacities to meet requirements of regional and international networks of NHRIs (i.e. APF, GANHRI, Arab network for NHRIs...etc.)

#### OUTCOME 5: Promote ICHR institutional development and sustainability

5.1 Is ICHR sustainability enhanced? With focus on the following priority areas:

1. Ensure the independence of ICHR and its compliance with the Paris Principles regulating the work of NHRIs. This includes the review of adopted ICHR's By-Laws (2021) and the workings of BoC as the governing body of the institution.
2. Assess ICHR's cooperation with DIHR and its efficiency in increasing ICHR's capacity as an independent, effective NHRI that positions itself as a driver of reform and contributes to increased respect for human rights.
3. The internal audit functions within the organization?
4. The financial management capabilities of ICHR, including the implementation of financial recommendations.
5. Institutional development and capacity building of ICHR to effectively and efficiently serve its program work in the promotion and protection of human rights, including the evaluation of the newly established Management Information System (MIS) and the Human Resource System. The assessment of ICHR's organizational and personnel management systems. To what extent are ICHR's (recently modified) management and organizational structures and systems appropriate to the implementation of its mandate and its Strategic Plan for 2023 - 2025?
6. Capacity Building of ICHR's staff in law and human rights and other specialized areas of work, to more efficiently develop ICHR's programs in the field of human rights, and in making ICHR a reference and an "expert home" in the field of human rights.

7. Assess ICHR's gender equality policy and gender mainstreaming, based on implementation of its Gender Audit as well the GANHRI SCAs recommendations for reaccreditation.
8. The working of the Donors' Consortium and the ability of ICHR to regularly communicate with its donors' consortium, and work in the spirit of partnership towards achieving the goals and objectives of the organization.
9. ICHR communication strategy, including the rise of involvement of Commissioners in ICHR's activities/interventions before informing the board of commissioners about the work of the executive branch.
10. ICHR complaints guide and internal forms that are used by field researchers (e.g. complaint forms, prisons visits forms.)
11. ICHR financial policies guide/manual and the administrative policies guide as well as ICHR's clear policy for printings and publications.
12. The role of BoC in revising policies and supporting the work of ICHR through high level meetings and interventions to advocate for ICHR recommendations.
13. Has ICHR a pivotal impact on decision makers in respect to human rights, with its ability to coordinate and to network at the national level? To what extent is ICHR present and effective in engaging with official Palestinian institutions, and in playing a mediating role between civil society organizations and PNA institutions at the national level?

5.2 Are ICHR's MIS and M&E systems well developed and ready to support ICHR sustainability? In addressing these main questions, the Evaluation Team should pay attention to the following issues:

#### Relevance

- Are ICHR's individual activities in complaints handling, public awareness, research, and law review well designed and relevant to the current political and social environment?
- Do those activities advance and effectively serve towards achieving ICHR's mission statement and organizational objectives?
- How effective are the methodologies used for identifying public awareness target groups and research priorities?

#### Effectiveness and Efficiency, including Cost Effectiveness of the Program

- Have ICHR's activities in complaints handling, public awareness, research and law review met their goals?
- Have those activities been efficiently implemented?
- What are the barriers hindering effective or efficient implementation?
- Any creative ideas how to render ICHR activities of complaints handling, monitoring, public awareness, law review...etc. more efficient in the coming phase?
- How they are related to the financial management?
- Do ICHR's organizational and personnel management systems enable effective program implementation?
- How effective is coordination and communication within and between ICHR offices?

- How effective is liaison and communication between ICHR and its donors, in light of the consortium arrangements?
- How effective is ICHR's financial management?
- How effective is ICHR's international networking, including coordination/ recognition?

#### Impact

- Did the ICHR's complaints handling, public awareness, research and law review activities reach their designated target groups, including government authorities, complainants, training participants and the general public?
- How did these activities impact the target group? What impact those activities had on targeted groups?
- Has ICHR used its memberships at international forums to increase its impact in defense of citizens' rights?

#### Institutional Capacity & Governance

- Did these activities strengthen the capacity of ICHR and its operations?
- How did capacity building programs impact the staff in relation to implementing the agreed upon strategy?
- Any further recommendation/s for capacity building and Governance that would positively impact the implementation of future strategies and work plans?

#### Sustainability and Risk Management

- The evaluation will assess the ability of ICHR to adapt to changing situations, risks and external factors. Is the work and mandate of the institution still relevant despite those changing situations?
- The financial stability of the organization and the extent to which Donors' Consortium is willing to commit for a long-term funding to ICHR? How can the PNA contribution be increased? Should ICHR consider widening its funding sources and in what context?
- What are the risk mitigation measures undertaken by ICHR? How can a more developed risk management plan and risk mitigation strategy be developed to ensure transparency, enough checks and balances within the institution, and prevention of corruption within the organization?

#### Final Performance Rating

- What is the degree of ICHR's overall progress in meeting its objectives and mission statement?
- What are the possible adjustments for the organization's activities and management systems that would maximize ICHR's efficiency and relevance in the future?

### 3. Methodology

The evaluation will be conducted between 15 April -20 May 2022, and consists of three stages:

#### 3.1 Literature Review (3 workdays)

The Evaluation Team will review the following documents: background material, narrative and financial reports, 2020-2022 strategic plan, annual action plans, log frame, and budgets, recent

independent evaluations and audits (DIHR advising on Complaints handling system, Gender Audit, Child Audit, Human Resources Audit, People With Disability Audit, Training and Awareness raising impact evaluation... etc.) and/or interventions, publications, and other materials produced by ICHR, GHANRI's sub-accreditation recommendations (2021), External Evaluation Report (2019), relevant internal audits, ICHR's Annual Reports, Training and awareness raising strategy and communication strategy.

### 3.2 Field Visits: (12 workdays)

The Evaluation Team will meet with ICHR representatives on the first day to discuss the final plan of the field visits. The team will conduct interviews with ICHR Executive and Technical Teams and other members of staff, Commissioner General, Commissioners and donors, as well as a representative sample of relevant key government and NGO counterparts, and any other entity and/or individual as deemed necessary by the Evaluation Team. This can also include site visits and attendance of and participation in meetings and activities. The team will visit the Ramallah, Nablus, Hebron and, the Gaza Regional Offices (alternatively through video conference with Gaza). The team will also inspect additional documents not seen in the initial document review.

### 3.3 Reporting: (5 workdays)

The review report shall be written in English with an Arabic/English executive summary and should not exceed 30 pages, excluding annexes. The report should be of analytical character; present an assessment of the results of the cooperation and lessons learnt; and include conclusions and recommendations. The following enclosures shall be attached to the report:

- Terms of reference
- List of persons interviewed
- List of documents assessed

## 4. Evaluation team, requirements and qualifications

The assignment will be carried out by a team of 2-3 consultants of which at least one member is an international consultant as the Team Leader with long and outstanding experience in human rights and knowledge of the work of NHRIs. The team leader must have experience in evaluation of National Human Rights Institutes. During the assignment it is expected that the consultants do not have other parallel engagements.

The team requirements must include:

- Good knowledge and experience with National Human Rights Institutes.
- Good knowledge and experience of support to (semi-) public organizations.
- Good knowledge in capacity development.
- Good knowledge and experience with aid harmonized projects or programs.
- Good knowledge of the political and social situation in oPt, including human rights.
- Fluency in English (oral and written) and good knowledge of Arabic.

## 5. Reporting and time Schedule

The Evaluation Team will present its inception report during the first week of their field visit, then an initial final report, in summary form, to ICHR management, senior staff, Commissioners and the Donors' Consortium at the end of its field visit.

The draft written report will be submitted following ICHR's comments on the initial findings. The report will be prepared and presented jointly by the team of experts.

A draft copy of the report should be submitted by the evaluation team by 15th of May, 2022 for the final review and comments of ICHR and the donors' consortium in Ramallah.

The final report shall be submitted to ICHR in an electronic copy not later than one week after receiving the comments from ICHR and the donors.

## **6. Criteria for evaluating proposals**

The following criteria will be used when evaluating the proposals:

1. The combined experience and competence of the proposed team in relation to the terms of reference. (3 points)
2. The proposed methodology for the assignment in relation to the terms of reference. (3 points)
3. The firm's ability to perform the assignment at the appropriate time, based on the proposed methodology. (2 points)
4. The cost of the assignment. (2 points)

Expressions of Interest:

Expressions of Interest to conduct this task shall include

- a) up-to-date CVs for the team of consultants.
- b) a brief proposed methodology for the evaluation.
- c) a detailed budget including suggested number of days in preparation / in the field / finalizing the report with day rates as well as travel costs and daily subsistence during travel.

Submissions must be delivered to [nisreen@ichr.ps](mailto:nisreen@ichr.ps)

we would like to extend the deadline for application submission for the consultancy from March 25 to April 10, 2022.

-End

## Annex B - Evaluation Schedule

**Dr. Ammar Dwaik, Director-General**

**Ms. Ola Adawi, International relations officer**

**Mr. Musa Abu Dheim, Head of Complaints and investigations Department**

**Mr. Waleed Al Shaikh, Head of Ramallah regional office**

**Mr. Issam Arouri, Commissioners General**

**Ms. Khadeja Zahran, Head of National Legislations and Policies Department**

**Mr. Islam Al Tamimi, Head of Capacity Building and Awareness Raising Department**

**Ms. Nisreen Debas, Head of Admin and Financial Affairs Department**

**Mr. Majeed Sawalha, Communication Officer**

**Mr. Mohammad Shamasneh, Director-General assistant**

**Mr. Mohammed Sharif, IT Coordinator**

**Mr. Ahmed Nasrah, Legal Advisor**

**Donors Consortium**

**Mr. Chris Sidoti, Team leader, ICHR External Evaluation 2016**

**Danish Institute for Human Rights**

**Mr. James Heneen, Head of oPt office, UN Office of the High Commissioner for Human Rights**

**Mr. Mousa Husien, UN Office of the High Commissioner for Human Rights**

**Mr. Hendam Rjoub, UN Office of the High Commissioner for Human Rights**

**Mr. Shadi Qara'a, Internal Auditor**

**Ms. Heba Farid, Monitoring and Evaluation Officer**

**Ambassador Ammar Hejazi, Assistant Minister for Multilateral Affairs MOFA**

**Ambassador Omar Awadallah, Assistant Minister for Multilateral Affairs MOFA**

**Mr. Maen Edais, Researcher, National Legislations and Policies Department**

**Ms. Sanaa Taa', Admin, Admin and Financial Affairs Department**

**Ms. Dana Shaltaf, Human Resources, Admin and Financial Affairs Department**

**Mr. Omar Assaf, Social Activist**

**Mr. Jihad Abdu, Social Activist**

**Mr. Farid Al Atrash, Head of South regional office**

**South regional office staff and field researchers**

**ICHR stakeholders at the south region**

**Mr. Alaa Ghanaem, Bethlehem sub-regional office**

**ICHR stakeholders at the north region**

**Nablus Re-Correction and Rehabilitation Center**

**Mr. Alaa Nazzal, Head of north regional office**

**North regional office staff and field researchers**

**Dr. Assem Khalil, Commissioner, Executive office**  
**Mr. Ziad Amro, Commissioner**  
**Mr. Issam Haj Husien, General Director, AMAN Coalition**  
**Mr. Rodaina Bani Oudeh, Police chief, Complaint Unit**  
**Mr. Jamil Sarhan, Deputy Director-General, Head of Gaza Regional Office**  
**Gaza regional office staff and field researchers**  
**Mr. Issam Younis, Former Commissioner-General, General Director – Al Mezan Center for Human Rights**  
**Mr. Said Battah, Ministry of Health, Gaza**  
**Dr. Mohamed Nahhal, Attorney general, Gaza**  
**Mr. Reyad Betar, Ministry of Social Development, Gaza**  
**Mr. Raed Amoudi, Police Agency, Gaza**  
**Mr. Wael Hasani, Director of Gaza Re-Correction and Rehabilitation Center**  
**ICHR Commissioners**

## Annex C - Literature Review

### Background material

Overview of structure

Organisational structure (Arabic)

Current Board

Special Reports

- Impact of the Israeli aggression on citizens' rights and vital services in the Gaza Strip (May 2021)
- The violations of Israeli occupation forces against media freedom in the Gaza strip (May 2021)
- Monitoring report - Criminal Trials before the Serious Crimes Court and First Instance Courts in the West Bank and and Gaza Strip (Nov 2020)

Shadow Reports

- ICCPR (2022)
- ICESCR (Aug 2021)
- CERD (2019)
- CRC (2019)
- CEDAW (2018)

ICHR Position Statements:

- 2022
- 2021
- 2020

Persons with disabilities audit

Anti-sexual harassment policy

Transparency policy

ICHR complaints guide and internal forms

Prisons visit forms.

ICHR financial policies guide

Administrative policies guide

Printings and publications policy

Training & raise awareness impact evaluation

ICHR Activities & Events

Complaints handling mandate overview

ICHR Complaints Form

Monitoring places of detention overview

ICHR Jails Evaluation Tool

Report on the Assessment of the Compliance of the Correction and Rehabilitation Centers in Palestine with International Prison Standards 2019 (hard copy)

Monitoring mandate overview

### Narrative and financial reports

Annual report - finance and administration 2021 (Arabic)  
Annual report - finance and administration 2020 (Arabic)  
Q1 Financial Report 2022 (Arabic)  
2021 Annual Report  
2021 Independent Financial Audit  
2021 Management Report  
2020 Management Report  
2020 Financial Report  
2019 Annual Report Executive Summary  
2018 Annual Report Executive Summary (Arabic)  
2017 Annual Report Executive Summary (Arabic)

### **2020-2022 Strategic Plan**

2020-22 Strategic Plan  
2020-22 Logical Framework  
Summary of Strategic Plan  
2014-18 Strategic Plan  
2021 Budget

### **Annual Action Plans and Logframes**

2022 Risk Register  
2022 Narrative Action Plan  
2022 Logical Framework  
2021 Narrative Action Plan  
2021 Logical Framework  
2020 Narrative Action Plan (Arabic)  
2020 Logical Framework (Arabic)  
2017-19 Risk Register

### **Independent Evaluations**

2019 Evaluation Report  
2016 Evaluation Report  
2016 Terms of Reference  
2016 Schedule  
GANHRI SCA Report 2021

### **Recent independent audits**

PWD Audit (2021, Arabic)  
Gender Audit (2019) summary report  
Child Audit Report (2018)

Human Resources Audit (2019)

Assessment of ICHR's Training Awareness Raising and Advocacy Activities 2017-19 (2020)

IT Audit Report (2019)

Media Audit (2018)

# Annex D - Evaluation Framework and Implementation Status of Previous Recommendations

Evaluation Framework and Implementation Status of Previous Recommendations			
ICHR Strategic Plan	Evaluation Criteria	Previous Recommendations	Implementation Status of Recommendations
<i>Evaluation Chapter 2.2: Promoting measures of prevention, protection, accountability and redress</i>			
<i>Complaints</i>			
<p><b>Key Result Area 1: Protection, redress and the justice system</b></p> <p><b>Target 1: Strengthen the complaint handling functions in ICHR</b></p>	<p><b>TOR1.1:</b> Complaints handling: to what extent was ICHR successful in receiving and handling citizens' complaints of human rights abuses? Is ICHR capable of maintaining its wide access for Palestinians to complaint mechanisms? Was ICHR's complaints handling efficient, proficient and responsive to complaints' needs? Does ICHR have the right data collection and reporting system to reflect on developments of human rights situation in Palestine? Should ICHR expand its reporting on human rights situation beyond its complaints system? What other data collection could or should be in place?</p> <p><b>TOR1.5:</b> How is ICHR conducting its monitoring and documentation to specific human rights violations? Is this monitoring and documentation reflected in ICHR's reporting (monthly reports, fact-finding, special and annual reports)?</p> <p><b>TOR1.11:</b> Is ICHR effective in monitoring, reporting and responding to gender-based violence cases?</p> <p><b>TOR5.1(L):</b> ICHR complaints guide and internal forms that are used by field researchers (e.g. complaint forms, prisons visits forms.)</p>	<p><b>6A9:</b> Adopt the method of a gender-aggregated data categorization</p> <p><b>EE(19)3.1:</b> ICHR should increase efforts of mainstreaming gender, children and disability as visible cross-cutting aspects throughout the institution, including in results-based management and internal engagement with staff, and in relation to the thematic focus of work. This includes detention monitoring and complaints handling, where it must be ensured that the data collection instruments are geared to reflect each of these aspects sufficiently. Furthermore, in terms of awareness raising and capacity building, the latter in particular must include training for relevant duty bearers and civil society on how to reflect these dimensions in line with Palestine's domestic and international obligations. With respect to research and analysis, the section should have access to the necessary capacity to address all three areas at a qualitatively high level. Finally, with respect to policy and international engagement, reporting and similar efforts should reflect all of the above as appropriate for a NHRI.</p> <p><b>EE(16)12:</b> ICHR should revise its complaint handling procedures to emphasise</p> <ol style="list-style-type: none"> <li>a strategic, focused approach to prioritising, investigating and attempting to resolve complaints</li> <li>the identification of priority complaints on or soon after intake, according to clear, publicly available criteria</li> <li>the prompt informal handling of complaints to enhance the chances of an early resolution</li> <li>active investigation of complaints that are not referred or resolved</li> <li>the collection of complaints based on ICHR's thematic priorities and strategies</li> <li>increased decentralisation of decision making in relation to complaint handling.</li> </ol>	<p>Implemented and Ongoing</p>

		<p><a href="#">EE(16)13</a>: As internal complaint sections within government ministries and agencies become more effective, ICHR's approach to complaint handling could move towards having three basic components:</p> <ol style="list-style-type: none"> <li>a. deal directly and promptly with complaints that have priority due to the severe and urgent nature of the human rights violations alleged or the presence of major systemic issues</li> <li>a. refer as many other complaints as might be appropriate to relevant complaints units in Ministries and other official agencies</li> <li>b. undertake regular oversight of the work of complaints units in Ministries and other official agencies, including monitoring the handling of individual complaints referred by ICHR.</li> </ol>	<p><b>Implemented and Ongoing</b></p> <p><a href="#">GA6</a>: Conduct a comprehensive review of the different program objectives in a way that incorporates and ensures gender mainstreaming</p> <p><a href="#">EE(19)1.3</a>: With respect to the establishing of an NPM, ICHR must ensure that their mandate and functions, in particular in terms of monitoring of detention and similar facilities, are well aligned with the NPM function and its experience utilised to the greatest possible extent.</p> <p><a href="#">EE(19)3.1</a>: ICHR should increase efforts of mainstreaming gender, children and disability as visible cross-cutting aspects throughout the institution, including in results-based management and internal engagement with staff, and in relation to the thematic focus of work. This includes detention monitoring and complaints handling, where it must be ensured that the data collection instruments are geared to reflect each of these aspects sufficiently. Furthermore, in terms of awareness raising and capacity building, the latter in particular must include training for relevant duty bearers and civil society on how to reflect these dimensions in line with Palestine's domestic and international obligations. With respect to research and analysis, the section should have access to the necessary capacity to address all three areas at a qualitatively high level. Finally, with respect to policy and international engagement, reporting and similar efforts should reflect all of the above as appropriate for a NHRI.</p> <p><a href="#">EE(16)14</a>: As part of the preparation for the accession to OPCAT, ICHR should undertake two types of visit to detention centres:</p> <ol style="list-style-type: none"> <li>a. visits for the investigation or collection of complaints</li> <li>a. preventive visits to inspect and monitor conditions and practices of a systemic nature</li> </ol> <p><a href="#">EE(16)15</a>: ICHR should anticipate and prepare for accession to the OPCAT by the State of Palestine by building up its expertise and experience to perform the responsibilities of the National Preventive Mechanism, including through</p>
<b>Monitoring Places of Detention</b>			
<p>Key Result Area 1: <i>Protection, redress and the justice system</i></p> <p>Target 2: <i>Improved inspection of detention facilities</i></p>	<p><a href="#">TOR1.3</a>: How is the performance of ICHR in monitoring prisons, detention centers, penitentiaries and protection homes? How can ICHR further enhance its monitoring role to those facilities?</p> <p><a href="#">TOR1.11</a>: Is ICHR effective in monitoring, reporting and responding to gender-based violence cases?</p>		

		<p>the creation of an internal monitoring manual and the development of a program of preventive inspections. ICHR should give priority in visiting detention centres to the rights of children, women, people with disabilities and detainees from other vulnerable groups. It should ensure that all juveniles in detention are visited regularly so that their wellbeing is monitored and advanced.</p> <p><a href="#">EE(16)16</a>: ICHR should ensure it has the relevant expertise to conduct an effective program of preventive inspections of places of detention through contracting independent professionals on a needs basis, including, but not limited to, a forensic physician.</p> <p><a href="#">EE(16)17</a>: ICHR should ensure its right and ability to make both scheduled periodic visits and unannounced visits to all detention centres in Palestine.</p>	
<i>Building capacity of duty bearers</i>			
<p><b>Key Result Area 1: Protection, redress and the justice system</b></p> <p><b>Target 3: Revive protection and accountability systems in state institutions</b></p> <p><b>Target 5: Duty bearers and law enforcement officials are able and empowered to ensure compliance with, realize and consolidate human rights principles and standards</b></p>	<p><a href="#">TOR1.2</a>: Is ICHR capable of identifying patterns of human rights violations? Has the institution generally been able to effectively intervene to address specific human rights violations and bring redress to victims? What future procedures can ICHR develop to further enhance its future interventions at the national, regional and international levels?</p> <p><a href="#">TOR1.4</a>: How do you assess ICHR's work with official duty-bearers, especially from security agencies, to develop transparent procedures and systems to ensure accountability in cases of violations of human rights? Is ICHR also cooperating with other human rights organizations and CSOs in developing civilian oversight over Palestinian security agencies?</p> <p><a href="#">TOR1.5</a>: How is ICHR conducting its monitoring and documentation to specific human rights violations? Is this monitoring and documentation reflected in ICHR's reporting (monthly reports, fact-finding, special and annual reports)?</p> <p><a href="#">TOR1.6</a>: How do you assess ICHR interventions in rejuvenating the national protection and accountability systems?</p>	<p><a href="#">GA6</a>: Conduct a comprehensive review of the different program objectives in a way that incorporates and ensures gender mainstreaming</p> <p><a href="#">EE(19)1.2</a>: ICHR must maintain a continuous focus on duty bearer accountability for all human rights throughout Palestine. ICHR must ensure that its accurate positioning as independent from government as well as civil society is both articulated and exercised at all times in its engagement with stakeholders and the general public.</p> <p><a href="#">EE(19)3.1</a>: ICHR should increase efforts of mainstreaming gender, children and disability as visible cross-cutting aspects throughout the institution, including in results-based management and internal engagement with staff, and in relation to the thematic focus of work. This includes detention monitoring and complaints handling, where it must be ensured that the data collection instruments are geared to reflect each of these aspects sufficiently. Furthermore, in terms of awareness raising and capacity building, the latter in particular must include training for relevant duty bearers and civil society on how to reflect these dimensions in line with Palestine's domestic and international obligations. With respect to research and analysis, the section should have access to the necessary capacity to address all three areas at a qualitatively high level. Finally, with respect to policy and international engagement, reporting and similar efforts should reflect all of the above as appropriate for a NHRI.</p> <p><a href="#">EE(19)3.2</a>: With respect to economic, social and cultural rights, ICHR should consider exploring which aspects of these are most at risk in Palestine, with a particular focus on those which can be addressed through remedial action by</p>	<b>To be determined</b>

	<p><b>TOR1.10:</b> How do you assess ICHR role in monitoring the local government units' service provision to marginalized communities? Are they effective, accountable and transparent?</p> <p><b>TOR1.12:</b> How do you assess ICHR's role in training duty bearers about their duties and legal obligations towards rights-holders? (Legal and human rights reports, lobbying and advocacy activities... etc.). How ICHR's reports are received? Do they constitute a reference point to other human rights organizations and other stakeholders? Are those recommendations, especially those highlighted in the annual report, seriously addressed and implemented? What are the suggestions for more efficient follow up on ICHR's recommendations?</p> <p>Is ICHR sustainability enhanced? With focus on the following priority areas:</p> <ul style="list-style-type: none"> <li>• TOR5.1(k): ICHR financial policies guide/manual and the administrative policies guide as well as ICHR's clear policy for printings and publications.</li> <li>• TOR5.1(l): The role of BoC in revising policies and supporting the work of ICHR through high level meetings and interventions to advocate for ICHR recommendations.</li> </ul>	<p>the PA (i.e. beyond measuring and documenting the impact of the Israeli occupation on these rights areas), and reflect these in the new SP under separate outcomes. Following this identification of strategic focus, similar steps as those identified in relation to the mainstreaming of gender, children and disability should be taken.</p> <p><b>EE(16)3:</b> ICHR should support the human rights awareness raising work of other organisations by making its expertise available in the development of awareness programs, by providing human rights materials and providing logistic support for the awareness activities where appropriate and possible.</p> <p><b>EE(16)4:</b> ICHR should undertake a quality review of its training services to ensure that they are of a good professional standard and are effective in changing behaviour and attitudes.</p> <p><b>EE(16)5:</b> ICHR should agree, through the Human Rights Council, on a division of work between itself and NGOs for human rights training, with a possible split for consideration being that ICHR take responsibility for the training of public officials (duty bearers) and NGOs take responsibility for training other NGOs and community organisations.</p> <p><b>EE(16)6:</b> ICHR should give priority to Training of Trainers so that its expertise in human rights training is used to increase the number of human rights trainers and the amount of training being undertaken in Palestine.</p> <p><b>EE(16)7:</b> ICHR should link its advocacy priorities to its own investigations, research, detention centre visits and complaint handling work, so that it advocates on the basis of its well-founded investigation and research findings.</p> <p><b>EE(16)18:</b> ICHR should give greater priority to investigating possible violations of human rights that are serious and systemic and affect particularly those groups that ICHR recognises are priorities for its work. It should adopt clear criteria for determining whether to conduct an investigation, either in response to a complaint or on its own initiative.</p> <p><b>EE(16)27:</b> ICHR should monitor the impact of the Israeli military occupation on Palestinian human rights, identify where the PNA is not taking adequate action to address the violations and use international advocacy as a tool for redress.</p> <p><b>GANHRI1:</b> The SCA encourages the ICHR to continue to address human rights issues in an active manner.</p>
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<b>Access to Justice</b>			
<p>Key Result Area 1: <i>Protection, redress and the justice system</i></p> <p>Target 4: <i>Promote access to justice</i></p>	<p>TOR1.7: How do you assess ICHR role in promoting citizens' access to justice?</p> <p>TOR1.8: How do you assess ICHR's legal and judicial interventions? Do you recommend that ICHR further develop its judicial interventions and litigation in human rights and principled cases of high interest to the public? What other relevant suggestions does the evaluation team propose to enhance further ICHR's role in judicial interventions and litigation?</p>	<p><b>EE(16)21:</b> ICHR should seek further legal advice and have further discussions with the High Judicial Council on whether courts in Palestine could be assisted by ICHR acting as amicus curiae to make submissions on human rights issues in appropriate cases.</p> <p>If there is a means by which this is possible, ICHR should develop internal policies and procedures for its exercise of the role, including</p> <ul style="list-style-type: none"> <li>• identifying cases in which human rights are relevant and the amicus role might be exercised</li> <li>• setting priorities for types of cases in which it would be appropriate for ICHR to exercise its amicus role</li> <li>• setting priority human rights issues for the amicus role</li> <li>• establishing criteria for decision making on whether to apply to intervene as amicus curiae in a particular case</li> </ul>	<p><b>Implemented and Ongoing</b></p>
<b>Chapter 2.3. Promoting a national legislative, policy and institutional framework upholding human rights, in conjunction with Sustainable Development Goals (SDGs)</b>			
<b>Legislative Review and Implementation</b>			
<p>Key Result Area 2: <i>Enhanced Compliance in the National Legislative, Policy and Institutional Frameworks</i></p> <p>Target 2: <i>Lawmakers empowered to ensure that Palestinian</i></p>	<p>TOR2.2: How do you assess ICHR's work in supporting and monitoring whether regulations and policies issued in the form of laws by decrees as well as previous laws related to social, economic and cultural rights are consistent with international conventions and treaties on human rights? Are campaigns related to legislations and policies, mainly those conducted in cooperation and coordination with CSOs are effective? How do you assess ICHR's work in monitoring policies and legislations with focus on legislations related to vulnerable groups (especially women and children) who are victims of violence?</p>	<p><b>GA8:</b> Review all governmental laws and policies and measure their computability with the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)</p> <p><b>EE(19)1.4:</b> ICHR should continue to utilise the accession of Palestine to key United Nations human rights treaties to fulfil its mandate under the Paris Principles to act as the central medium for ensuring alignment of the country's legislation and policy as well as performance of key stakeholders in accordance with these frameworks. This includes in particular the opportunities for independent representation for NHRIs, and coordinating national efforts for reporting and shadow reporting, as well as relevant capacity development of both duty bearers and rights holders on such aspects.</p>	<p><b>Implemented and Ongoing</b></p>

<p><i>legislation complies with international human rights standards</i></p> <p><i>Target 3: National plans and public budgets are informed by the human rights-based approach and SDGs</i></p> <p><i>Target 5: International mechanisms utilized to promote human rights at national level</i></p>	<p>TOR2.4: Is ICHR effective in reviewing national plans in line with human rights-based approach as well as with all international conventions and treaties that Palestine has acceded to?</p> <p>TOR2.5: How do you assess ICHR advisory role to the government and CSOs regarding the promotion, use and implementation of the different international mechanisms?</p>	<p><a href="#">EE(16)19</a>: ICHR should cooperate with ministries and other governmental agencies and with NGOs in a program to analyse and review legislation to ensure compliance with Palestine's human rights obligations under the human rights treaties</p> <p><a href="#">EE(16)20</a>: ICHR should undertake analysis of the annual PNA budget and of other government initiatives with implications for economic, social and cultural rights.</p> <p><a href="#">EE(16)24</a>: ICHR should work with ministries and other government agencies and with CSOs to develop a program and plan for implementation of treaty obligations and a monitoring system for implementation.</p> <p><a href="#">EE(16)25</a>: ICHR should engage with all the treaty body reporting processes, particularly the preparation and filing of its own shadow reports.</p>	
<i>Thematic Investigations</i>			
<p><i>Key Result Area 2: Enhanced Compliance in the National Legislative, Policy and Institutional Frameworks</i></p> <p><i>Target 4: National reports and investigations are objective and reliable</i></p>	<p><a href="#">TOR2.3</a>: How do you assess ICHR's conduct of national inquiries, most recently the national inquiry on health insurance? How can these inquiries be improved? Is ICHR sustainability enhanced? With focus on the following priority areas:</p> <ul style="list-style-type: none"> <li><a href="#">TOR5.1(U)</a>: The role of BoC in revising policies and supporting the work of ICHR through high level meetings and interventions to advocate for ICHR recommendations.</li> </ul>	<p><a href="#">EE(16)22</a>: ICHR should give further consideration to conducting a national inquiry into a systemic pattern of human rights violation in Palestine as part of its next strategic plan and seek technical assistance from the APF for a national workshop on conducting a national inquiry.</p> <p><a href="#">EE(16)18</a>: ICHR should conduct more investigations through public hearings, for example as part of a national inquiry, to increase the effectiveness of its advocacy work.</p>	<p>Partially implemented</p> <ul style="list-style-type: none"> <li>- on a National Inquiry in final report</li> </ul>
<i>3.3 Advocacy</i>			

<p>Key Result Area 2: <i>Enhanced Compliance in the National Legislative, Policy and Institutional Frameworks</i></p> <p>Target 2: <i>Lawmakers empowered to ensure that Palestinian legislation complies with international human rights standards</i></p>	<p><a href="#">TOR2.1</a>: How do you assess ICHR's efforts to end the internal Palestinian political divide and to advocate for holding presidential and legislative elections?</p> <p>Is ICHR sustainability enhanced? With focus on the following priority areas:</p> <ul style="list-style-type: none"> <li>• <a href="#">TOR5.1(k)</a>: ICHR financial policies guide/manual and the administrative policies guide as well as ICHR's clear policy for printings and publications.</li> <li>• <a href="#">TOR5.1(l)</a>: The role of BoC in revising policies and supporting the work of ICHR through high level meetings and interventions to advocate for ICHR recommendations.</li> </ul>	<p><a href="#">EE(16)Z</a>: ICHR should link its advocacy priorities to its own investigations, research, detention centre visits and complaint handling work, so that it advocates on the basis of its well-founded investigation and research findings.</p> <p><a href="#">EE(16)9</a>: ICHR should pursue, with the President's Office and the Prime Minister's Office, the establishment of a tripartite committee to examine and promote implementation of ICHR recommendations.</p> <p><a href="#">EE(16)23</a>: ICHR should encourage the State of Palestine to accede to key human rights treaties and provisions of treaties to which it is not yet a party, particularly OPCAT, 2nd OP to ICCPR (on the death penalty) and the communications provisions under the various treaties.</p>	<p>Implemented and Ongoing</p>
<p><i>Chapter 2.4. Promoting and disseminating the culture of human rights Awareness Raising</i></p>			
<p>Key Result Area 3: <i>Promote and Disseminate the Culture of Human Rights</i></p> <p>Target 1: <i>Awareness of human rights and freedoms to the public</i></p> <p>Target 3: <i>Awareness of media representatives,</i></p>	<p><a href="#">TOR3.1</a>: How do you assess ICHR's awareness raising strategy? How effective is it in increasing the awareness amongst the public (right holders) about human rights?</p>	<p><a href="#">GAG</a>: Conduct a comprehensive review of the different program objectives in a way that incorporates and ensures gender mainstreaming</p> <p><a href="#">EE(19)1.1</a>: ICHR should continuously strive to contribute to the general understanding of the ICHR as a National Human Rights Institution in accordance with the Paris Principles, as well as an Ombudsman institution, in Palestine society. ICHR should continuously reflect on how to add this specific value as an NHRI and Ombudsman institution to the promotion and protection of human rights in the context of Palestinian society. This should be the one overall guiding criterium for all organisational choices and prioritisations within the organisation.</p> <p><a href="#">EE(19)3.1</a>: ICHR should increase efforts of mainstreaming gender, children and disability as visible cross-cutting aspects throughout the institution, including in results-based management and internal engagement with staff, and in relation to the thematic focus of work. This includes detention monitoring and complaints handling, where it must be ensured that the data collection instruments are geared to reflect each of these aspects sufficiently. Furthermore, in terms of awareness raising and capacity building, the latter in</p>	<p>Implemented and Ongoing</p>

<p><i>unionists and preachers</i></p>		<p>particular must include training for relevant duty bearers and civil society on how to reflect these dimensions in line with Palestine's domestic and international obligations. With respect to research and analysis, the section should have access to the necessary capacity to address all three areas at a qualitatively high level. Finally, with respect to policy and international engagement, reporting and similar efforts should reflect all of the above as appropriate for a NHRI.</p> <p><b>EE(16)2:</b> To ensure that its public awareness work is as effective and efficient as possible, ICHR should review the impact of its awareness programs and activities with a view to withdrawing from programs and activities that do not have a significant impact on knowledge of and attitudes towards human rights.</p> <p>On the basis of the review ICHR should develop priorities and guidelines for conducting and participating in public awareness programs and activities, directing them as a priority towards the most vulnerable and most marginalised groups in Palestinian society.</p>	
<b>Communications and Use of the Media</b>			
<p><b>Key Result Area 5: Strengthen ICHR's Organizational Development and Institutional Sustainability</b></p> <p><b>Target 2: Professionalization of finance, administration and human resources</b></p> <p><b>Target 4: Awareness of ICHR and its mandate</b></p>	<p><b>IOB3.2:</b> How do you assess ICHR's partnerships with the media in order to increase the spread of its awareness materials? What about ICHR's use of social media tools/platforms to promote ICHR activities and human rights culture? Was ICHR able to utilize all media outlets (including ICHR website, social media networks and other innovate ways) for the dissemination of a culture of human rights in Palestine. How can ICHR further enhance this role?</p> <p>Is ICHR sustainability enhanced? With focus on the following priority areas:</p> <ul style="list-style-type: none"> <li>• <b>TOR5.1(i):</b> ICHR communication strategy, including the rise of involvement of Commissioners in ICHR's activities/interventions before informing the board of commissioners about the work of the executive branch.</li> </ul>	<p><b>EE(19)2.1(G):</b> 2.1 To ensure institutional relevance and effectiveness, as well as impact, and in line with the recommendations above, ICHR should consider the following fundamental change of direction: ICHR must transform the institutional approach from a narrow media to a broader communication focus, in order to promote its specific institutional "brand" (see above under EQ. 1) and to support efforts to raise public awareness on human rights and the role of ICHR. This shift should be underpinned by a communication strategy, supplementing e.g. the outreach strategy, to be developed. It must reflect a broad perspective and i.e. not just include news and storytelling, but also proactively apply ICT-based tools including web and social media, as well as publications. This should be done with a view to ensuring accessibility as means of disability mainstreaming. It is also advised that the ICHR reviews its social media strategy and benefit from recommendations strategy/evaluation of media landscape commissioned by the ICHR in 2018</p> <p><b>EE(16)10:</b> ICHR should undertake a participatory audience analysis to be incorporated into the existing communications plan, identifying new and innovative forms of communication. For example, it should develop blogs pages where staff can share stories and successes and increase public awareness of ICHR and its work.</p> <p><b>EE(16)11:</b> ICHR should introduce regular internal communications for all staff highlighting good practice and success stories.</p>	<p><b>Implemented and Ongoing</b></p> <p><b>Reaffirming recommendations on internal communications and key messages, audience analysis</b></p>

		<p><a href="#">EE(16)1</a>: ICHR should develop key institutional messages relating to perceptions about human rights and Palestinian culture, and integrate Palestinian culture into all awareness raising programs.</p>	
<b>Education</b>			
<p>Key Result Area 3: <i>Promote and Disseminate the Culture of Human Rights</i></p> <p>Target 2: <i>Promote the culture of human rights in schools</i></p>	<p>TOR3.3: How effective is ICHR role in influencing the educational curriculum and sector to have vital role in promoting and disseminating a culture of human rights?</p> <p>TOR3.4: How do you assess the targeting of schools, university students and influential people by ICHR? How can it be improved?</p>		To be determined
<b>Chapter 2.5. Promoting Regional and International Cooperation</b>			
<p>Key Result Area 4: <i>Maintain the Regional and International Cooperation</i></p> <p>Target 1: <i>Promote ICHR use of international mechanisms and United Nations system of human rights</i></p> <p>Target 2: <i>Cast light on the status of human rights in Palestine at international and</i></p>	<p>TOR4.1: Assess ICHR's engagement with the UN mechanisms for the protection and promotion of human rights, especially in highlighting Israeli infringements on Palestinian human rights mainly in respect to impact on the State of Palestine's capability to fulfil its obligations, with focus on the following:</p> <ol style="list-style-type: none"> <li>Submission of written and oral statements before the Human Rights Council.</li> <li>Attending the regular session of the Human Rights Council and the special sessions on the oPt (if any), especially those related to permanent agenda item (7) related to the 1967 Arab occupied territory.</li> <li>In engaging with the human rights' special procedures (country specific and thematic) through provision of information on human rights issues that fall within their mandate.</li> </ol>	<p><a href="#">GA6</a>: Conduct a comprehensive review of the different program objectives in a way that incorporates and ensures gender mainstreaming</p> <p><a href="#">EE(16)26</a>: ICHR should seek to increase its engagement with the UN Human Rights Council to draw better international attention to the human rights situation in Palestine and the impact of the Occupation on the ability of the PNA to fulfil the rights of Palestinian citizens. It should encourage the State of Palestine to seek to participate voluntarily in the Universal Periodic Review.</p>	Implemented and Ongoing

<p><i>regional levels by promoting participation in the UN Human Rights Council (UNHCR), special procedures, international treaty bodies, and international human rights organizations</i></p> <p><i>Target 3: Enhance ICHR visibility on the regional and international level</i></p>	<p><b>TOR4.2: Assess ICHR’s performance to support the reporting process for human rights treaties,, mainly in:</b></p> <ul style="list-style-type: none"> <li>a) Providing advice, consultation and guidance to official Palestinian duty-bearers on their legal obligations before treaty-bodies, especially through the regular representation of ICHR on the permanent inter-ministerial committee for treaty-bodies reporting.</li> <li>b) Review draft initial reports submitted by the State of Palestine, and provide consultation and recommendations before the submission of the initial reports to treaty bodies.</li> <li>c) The preparation of the parallel reports related to the initial reports submitted by the state.</li> <li>d) Work in partnership with human rights and CSOs in the preparation of their shadow reports to treaty bodies.</li> <li>e) To assess ICHR relationship with Palestinian civil society organizations and newly established coalitions</li> <li>f) Follow up on the recommendations given by the different treaty-bodies to the state of Palestine to ensure the implementation of those treaties, and the dissemination of those recommendations to the public</li> <li>g) Facilitation of the national consultations on the state reports and work toward making them inclusive and transparent.</li> <li>h) Does ICHR have the right capacities for its added mission to train and consult on HR reporting to international conventions and treaties? Does ICHR has the sufficient monitoring tools with human rights indicators and baselines to provide solid evidence based annual reports for progress or devaluation of human rights situation in Palestine?</li> </ul>	
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	<p>TOR4.3: How do you assess ICHR visibility and interaction on the regional and international level? Is ICHR able to be a reference point in law and human rights to all stakeholders at the national, regional and international levels (including to diplomatic missions), and the contribution of ICHR in the development and capacity building of NHRIs within the region?. In addition, how do you assess ICHR's presence and contributions to the work of the relevant networks of NHRIs and the institutional capacities to meet requirements of regional and international networks of NHRIs (i.e. APF, GANHRI, Arab network for NHRIs... etc.)</p> <p>Is ICHR sustainability enhanced? With focus on the following priority areas:</p> <ul style="list-style-type: none"> <li>• TOR5.1(k): ICHR financial policies guide/manual and the administrative policies guide as well as ICHR's clear policy for printings and publications</li> </ul>		
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<i>Evaluation Report Chapter 2.6: Promoting ICHR institutional development and sustainability</i> <i>Independence &amp; Accountability</i>			
<p>Key Result Area 5: <i>Strengthen ICHR's Organizational Development and Institutional Sustainability</i></p> <p>Target 1: <i>Regenerate ICHR's governance framework</i></p>	<p>Is ICHR sustainability enhanced? With focus on the following priority areas:</p> <ul style="list-style-type: none"> <li>• TOR5.1(a): Ensure the independence of ICHR and its compliance with the Paris Principles regulating the work of NHRIs. This includes the review of adopted ICHR's By-Laws (2021) and the workings of BoC as the governing body of the institution.</li> <li>• TOR5.1(c): The internal audit functions within the organization?</li> </ul> <p><a href="#">TOR5.2</a>: Are ICHR's MIS and M&amp;E systems well developed and ready to support ICHR sustainability?</p>	<p><a href="#">EE(16)28</a>: The Board of Commissioners should ensure the implementation of the provisions in the By-laws for the election and terms of office of Commissioners.</p> <p><a href="#">EE(16)29</a>: The Board of Commissioners should adopt a formal governance policy document to implement and supplement the By-laws by codifying the roles and responsibilities of the Board of Commissioners, the Commissioner General and other Commissioners individually, the Executive Office, the Director General and the Executive Team.</p> <p><a href="#">GANHR13</a>: The SCA encourages the ICHR to continue to engage with the Palestinian Authority for the adoption of an enabling law in line with the Paris Principles, once the Palestinian Legislature is operational.</p>	<p>Implemented and Ongoing</p>
<i>Sustainability and finances</i>			

<p>Key Result Area 5: Strengthen ICHR's Organizational Development and Institutional Sustainability</p> <p>Target 2: Professionalization of finance, administration and human resources</p>	<p>Is ICHR sustainability enhanced? With focus on the following priority areas:</p> <ul style="list-style-type: none"> <li>TOR5.1(b): Assess ICHR's cooperation with DIHR and its efficiency in increasing ICHR's capacity as an independent, effective NHRI that positions itself as a driver of reform and contributes to increased respect for human rights.</li> <li>TOR5.1(d): The financial management capabilities of ICHR, including the implementation of financial recommendations.</li> <li>TOR5.1(h): The working of the Donors' Consortium and the ability of ICHR to regularly communicate with its donors' consortium, and work in the spirit of partnership towards achieving the goals and objectives of the organization.</li> </ul>	<p><b>Sustainability and Finances</b>  <a href="#">EE(19)2.7</a>: With respect to financial sustainability, on the one hand this is currently out of the hands of the ICHR in terms of national funding and in consideration of the firm commitment of the current donor consortium to continued funding. On the other hand, the long-term effort of capacity development particularly in the results-based management as well as tracking, documenting and communicating results and impact should be utilised to ensure that, in a longer time perspective, the ICHR can undertake independent fundraising from other sources.</p> <p><a href="#">EE(19)2.6</a>: In terms of institutional sustainability, the accurate positioning of ICHR (see EQ.1 above) within the institutional human rights landscape in Palestine must be utilised to ensure that the institution continues to be solidly anchored as a respected and unique human rights actor in the view of all other stakeholders in the country.</p> <p><a href="#">GANHR2</a>: The ICHR is encouraged to continue to actively engage with the OHCHR, GANHRI, the APF, other NHRIs, as well as relevant stakeholders at international, regional, and national levels in order to continue strengthening their institutional framework and working methods.</p>	<p>Implemented and Ongoing</p>
<p><b>Institutional Capacity</b></p>			
<p>Key Result Area 5: Strengthen ICHR's Organizational Development and Institutional Sustainability</p> <p>Target 1: Regenerate ICHR's governance framework</p> <p>Target 2: Professionalization of finance, administration and human resources</p> <p>Target 3:</p>	<p>Is ICHR sustainability enhanced? With focus on the following priority areas:</p> <ul style="list-style-type: none"> <li>TOR5.1(e): Institutional development and capacity building of ICHR to effectively and efficiently serve its program work in the promotion and protection of human rights, including the evaluation of the newly established Management Information System (MIS) and the Human Resource System. The assessment of ICHR's organizational and personnel management systems. To what extent are ICHR's (recently modified) management and organizational structures and systems appropriate to the implementation of its mandate and its Strategic Plan for 2023 - 2025?</li> <li>TOR5.1(f): Capacity Building of ICHR's staff in law and human rights and other specialized areas of work, to more efficiently develop ICHR's programs in the field of human rights, and in</li> </ul>	<p><b>Institutional Capacity</b>  <a href="#">GA1</a>: Develop a gender training methodology for male and female employees, at different levels of the organization and according to each level's requirements  <a href="#">GA2</a>: Consider gender training as part of the preparatory/induction program for new ICHR staff members  <a href="#">GA3</a>: Consider gender awareness as a criteria when evaluating staff performance  <a href="#">GA4</a>: Develop a special strategy for gender mainstreaming at the Committee level  <a href="#">GA5</a>: Create a unit or a position with the organization whose responsibility is to follow-up on gender mainstreaming in the Committee  <a href="#">GA7</a>: Determine gender-related indicators in all plans, and use them to measure the improvement in the Committee's work  <a href="#">GA9</a>: Adopt the method of a gender-aggregated data categorization</p>	<p>Partially implemented</p> <ul style="list-style-type: none"> <li>Lack in induction process</li> <li>Need for improved data flow from complaints/regional offices to all HQ divisions</li> <li>Reaffirm recommendation on staff training, role of BOC, increased regularity of internal</li> </ul>

<p><i>Well-functioning technology and information system in ICHR</i></p>	<ul style="list-style-type: none"> <li>making ICHR a reference and an “expert home” in the field of human rights.</li> <li>TOR5.1(g): Assess ICHR’s gender equality policy and gender mainstreaming, based on implementation of its Gender Audit as well the GANHRI SCAs recommendations for reaccréditation.</li> <li>TOR5.1(i): ICHR communication strategy, including the rise of involvement of Commissioners in ICHR’s activities/interventions before informing the board of commissioners about the work of the executive branch.</li> <li>TOR5.1(k): ICHR financial policies guide/manual and the administrative policies guide as well as ICHR’s clear policy for printings and publications.</li> <li>TOR5.1(l): The role of BoC in revising policies and supporting the work of ICHR through high level meetings and interventions to advocate for ICHR recommendations</li> </ul>	<p><a href="#">GA10</a>: Paternal leave should be increased to seven days</p> <p><a href="#">GA11</a>: Develop a policy regarding sexual harassment that ensures confidentiality and respect of the victim’s dignity and rights</p> <p><a href="#">GA12A</a>: Consider gender awareness as a criterion when evaluating the Committee’s human resources</p> <p><a href="#">EE(19)2.1(a)</a>: Firstly, ICHR should shift from documentation of human rights statistics towards increased qualitative and substantial analysis of patterns of human rights incidents and their systemic dimensions, including shifts in these. These findings, enabled by the MIS system, should be utilised for ICHR’s reporting and, ultimately, advocacy for improvement of law and policy, in the fulfilment of their NHRI mandate.</p> <p><a href="#">EE(19)2.1(b)</a>: Secondly, ICHR should consider moving from a generalist and functional to a thematic focus across the institution. This should include aligning the organisational work along the two main themes of civil and political and economic and social rights. Ultimately ICHR could consider moving toward further diversification into an organisational structure reflecting the key fields reflected by the human rights treaties to which Palestine is now party. This implies also to ensure that core expertise is available across the organisation, i.e. across complaints handling, monitoring, research and analysis and advocacy.</p> <p><a href="#">EE(19)2.2</a>: To enable ICHR to act from a fact basis in these capacities, data collection through complaints and monitoring must have a strong qualitative dimension. To do so, all data collection from the field offices up to the capacity development and awareness raising as well as research and analysis sections must be geared to provide the necessary data. This further necessitates a smooth flow of data from the field offices up to the section for research and analysis, with direct access between the two levels in a way that minimises bureaucracy.</p> <p><a href="#">EE(19)2.3</a>: In line with the previous recommendation, the database under development should be designed with a view to ensuring that it can support a broader dimension of data collection necessary for research and analysis, allowing ICHR to operate fully fact-based from a qualitative perspective. This means that the relevant sections of the ICHR, including also e.g. M&amp;E, research and analysis are involved in the design process.</p>	<p>meetings, decentralisation to regional offices, review of performance appraisal system, staff well-being</p>
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	<p><a href="#">EE(19)2.4</a>: The following steps should be taken to further strengthen ICHRs efficiency:</p> <ul style="list-style-type: none"> <li>a. Consolidating the institution in its daily work in such a way that direct dependence on the presence of the top management is reduced, as well as better use of the cross-cutting expertise. First and foremost, there is a need for trimming the institution to reduce bureaucracy and long chains of command, and to ensure greater transparency with respect to mandates and functions especially at the leadership level, for instance formalising de facto responsibilities and mandates. <ul style="list-style-type: none"> <li>a. As a consequence of a), undertake general overhaul of the organogram and a review of functions at all levels; and review and revise relevant internal manuals and guidelines accordingly.</li> <li>b. Increase the capacity of ICHR to identify and utilise the most relevant international, regional and national expertise for their work.</li> </ul> </li> </ul> <p><a href="#">EE(19)2.5</a>: To ensuring increased institutional capacity, a number of steps should be taken by ICHR:</p> <ul style="list-style-type: none"> <li>a. Upgrading internal human resource focus and capacity, including the establishment of a strong focal point within the organisation. Its focus should include strategically designed general and specialised internal staff capacity development planning; in particular for field staff a regular mechanism for debriefing and expertise in dealing with trauma; as well as to ensure updated staff policy to reflect a higher degree of trust and outcome-based performance assessment as well as for e.g. work hour flexibility. In particular, management and core responsible staff need to reflect clearly an understanding that “monitoring” related to MEL (see below) should apply to indicators rather than individuals and not be directly linked to individual staff performance. <ul style="list-style-type: none"> <li>a. Increasing staff at the qualitative level. Key areas for hiring of additional staff would include the areas of human resource; capacity development and awareness raising; communication; and potentially research/analysis linked to key expertise areas, to the extent that such capacity cannot sufficiently be achieved through alliances with external stakeholders/civil society and academia or from Commissioners.</li> <li>b. Increase training and capacity development of staff. This should be strategically driven and correspond to identified institutional needs. include both a general approach, ensuring that all staff members have at least basic capacity in human rights, including full understanding of the Paris Principles and the specific distinction of a NHRI, and the basics of M&amp;E; and specific training needs. In terms of the latter, the leadership of each section of the organisation has the responsibility to ensure that their staff, as a team, possess the necessary skills and qualifications to perform their functions, and to upgrade this as necessary.</li> <li>c. The body of Commissioners should be utilised better in terms of identifying on an individual basis their areas of expertise and soliciting their</li> </ul> </li> </ul>
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	<p>deeper engagement with the, for each of them, most relevant areas of the organisation so as to better draw on their capacity.</p> <p><b>EE(19)2.8:</b> Finally, in terms of risk management, the ICHR should systematically apply their own risk matrix as an aspect of results-based management. In terms of its staff, particularly those working at the forefront of ICHR's presence on the ground throughout all of Palestine, the increased focus on staff well-being (Recommendation 2.5) and a professionalised approach to crisis and trauma related work must include all relevant staff and office security aspects.</p> <p><b>EE(19)6.2:</b> The strategy for the period 2020-2022 to be developed for the next period should be used as a key medium for the implementation of the recommendations above. This should include revision of the overall LF and further development of the Output and Indicator dimensions, towards a greater focus on qualitative aspects, with a better balance between different rights areas, and a strengthening of the focus on vulnerable groups.</p> <p><b>EE(19)6.1:</b> ICHR should strengthen the institutional approach to results-based management at all levels, aimed at institutionalising an appropriate culture of Monitoring, Evaluation and Learning (MEL). This includes:</p> <ol style="list-style-type: none"> <li>a. Developing the capacity for strategic thinking at all levels of the organisation as appropriate. This includes that all staff possess at least basic understanding of core elements, including the design of logical frameworks. This should be facilitated through internal capacity development including accessible guiding material. Furthermore, staff involved in activity development should have the opportunity to enhance their learning in this area further.</li> <li>a. Developing frameworks of appropriate qualitative indicators for all core functions, including complaints and monitoring, and apply these actively to track progress towards achievement of goals;</li> <li>b. Ensuring that tools applied in the different areas of ICHR's work support such a qualitative approach, including database development (Recommendation 2.3).</li> </ol> <p><b>EE(16)30:</b> The Executive Team should meet weekly with a focus on events for the coming week. Regional Managers should meet monthly to discuss common issues and challenges.</p> <p>A Joint Committee of the Executive Team and the Regional Managers should meet monthly for exchange about activities, oversight of implementation of the Strategic Plan and annual activity plans, and decision making on key projects. ICHR should involve field researchers and legal researchers in strategic planning and annual activity planning and in the shaping of major projects. A full staff meeting should be held on an annual basis.</p>	
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	<p><b>EE(16)31:</b> ICHR should amend the current Central Office staffing structure by increasing professionalization of the training function by having the department focusing on training alone, with public awareness and advocacy being transferred into other departments</p> <ol style="list-style-type: none"> <li>a. incorporating public awareness and media relations into a new communications department</li> <li>b. incorporating advocacy either into an expanded Analysis, Research and Policy Department or an expanded communications department.</li> </ol> <p><b>EE(16)32:</b> ICHR should further its decentralisation policy by enhancing the authority of regional offices to decide, within the Strategic Plan and the broad policy set by the Board of Commissioners, the strategy and management of individual complaints, the program of training activities and the allocation of resources (officers and budget) within the region.</p> <p><b>EE(16)33:</b> The current strategic plan should be ended at the end of 2016 and replaced by a new three-year strategic plan for 2017 to 2019. The new strategic plan should be developed through a broad process of community and staff consultation to identify human rights priorities, both by issue and by group. The new strategic plan should</p> <ul style="list-style-type: none"> <li>• be short and simple to read and understand</li> <li>• have clear objectives</li> <li>• set priorities</li> <li>• provide a small number of meaningful, measurable performance indicators that are directly related to the strategic objectives.</li> </ul> <p><b>EE(16)34:</b> ICHR should establish a human resources specialist position within the administration and finance department to increase the priority of personnel issues, including</p> <ul style="list-style-type: none"> <li>• developing and implementing an effective, credible scheme for annual performance appraisal and staff development for each staff member</li> <li>• reviewing individual job descriptions on a regular basis</li> <li>• undertaking an annual review of classifications, remuneration and other conditions of employment.</li> </ul> <p><b>EE(16)35:</b> ICHR must, in consultation with all staff, develop and adopt policies on how to respond to emergencies when they encounter them and on dealing with situations where staff are injured, assaulted, threatened or arrested. ICHR must, in consultation with staff, ensure the provision of psychological support for staff. ICHR should also provide staff with brightly coloured, high visibility vests and require staff to wear the vests in potentially or actually dangerous situations.</p>
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	<p><a href="#">EE(16)36</a>: ICHR should explore and pursue every possibility of ensuring that Gaza staff have access to training and development opportunities outside and inside Gaza.</p> <p><a href="#">EE(16)37</a>: ICHR should complete the development of a new staff performance appraisal scheme for introduction as soon as possible after the end of 2016. The new scheme should be based on frank exchanges of perspectives by supervisors and the staff they supervise to identify achievements and challenges and to map out a personal development plan for each staff member for the following year. The new scheme should not be linked to rewards and punishments, which should be the subject of a parallel incentives scheme.</p> <p><a href="#">EE(16)38</a>: ICHR should immediately re-activate the pre-2016 complaint database and provide access to all staff involved in complaint handling.</p> <p><a href="#">EE(16)39</a>: ICHR should either repair and upgrade DMIS or develop a new custom-built internal database with the following minimum functionality:</p> <ul style="list-style-type: none"> <li>• complaints handling system with prioritisation feature</li> <li>• data collection for all ICHR activities</li> <li>• disaggregated reporting for all ICHR activities</li> <li>• universal staff access.55</li> </ul> <p>Upon completion of development, a period of user testing should be undertaken before the system is implemented and full staff training conducted.</p> <p><a href="#">EE(16)40</a>: ICHR should establish an internal audit and quality assurance committee to identify priorities for internal reviews of effectiveness and efficiency in areas of ICHR's work to ensure steady improvement in the quality of procedures and the effectiveness of results. The committee could also consider the reports of internal audit and other reviews and oversee implementation of recommendations accepted by ICHR. The committee could consist of the Commissioner General, the Assistant Commissioner General Gaza, one other Commissioner from the Executive Office, the Director General and the Internal Auditor.</p> <p><a href="#">GANHRI4</a>: The SCA notes that there is gender imbalance in ICHR staff composition. Currently, only 36% of staff are women, and all regional managers are men. While the SCA appreciates that a gender audit was recently carried out, it encourages the ICHR to implement the recommendations of this audit to address the gaps in order to better represent the society it serves. The SCA acknowledges also that in vacancy announcements, women, persons with disability and representatives of minorities are encouraged to apply.</p>	
	<p><a href="#">GANHRI5</a>: The SCA encourages the ICHR to continue to take steps to ensure pluralism, including appropriate gender balance, in its staff component.</p>	

## Annex E - Previous Recommendations

### Gender Audit (2019) Recommendations

1. Develop a gender training methodology for male and female employees, at different levels of the organization and according to each level's requirements
2. Consider gender training as part of the preparatory/induction program for new ICHR staff members
3. Consider gender awareness as a criteria when evaluating staff performance
4. Develop a special strategy for gender mainstreaming at the Committee level
5. Create a unit or a position with the organization whose responsibility is to follow-up on gender mainstreaming in the Committee
6. Conduct a comprehensive review of the different program objectives in a way that incorporates and ensures gender mainstreaming
7. Determine gender-related indicators in all plans, and use them to measure the improvement in the Committee's work
8. Review all governmental laws and policies and measure their computability with the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
9. Adopt the method of a gender-aggregated data categorization
10. Paternal leave should be increased to seven days
11. Develop a policy regarding sexual harassment that ensures confidentiality and respect of the victim's dignity and rights
12. Consider gender awareness as a criterion when evaluating the Committee's human resources

### External Evaluation 2019 Recommendations

1.1. ICHR should continuously strive to contribute to the general understanding of the ICHR as a National Human Rights Institution in accordance with the Paris Principles, as well as an Ombudsman institution, in Palestine society. ICHR should continuously reflect on how to add this specific value as an NHRI and Ombudsman institution to the promotion and protection of human rights in the context of Palestinian society. This should be the one overall guiding criterium for all organisational choices and prioritisations within the organisation.

1.2 ICHR must maintain a continuous focus on duty bearer accountability for all human rights throughout Palestine. ICHR must ensure that its accurate positioning as independent from government as well as civil society is both articulated and exercised at all times in its engagement with stakeholders and the general public.

1.3 With respect to the establishing of an NPM, ICHR must ensure that their mandate and functions, in particular in terms of monitoring of detention and similar facilities, are well aligned with the NPM function and its experience utilised to the greatest possible extent.

1.4 ICHR should continue to utilise the accession of Palestine to key United Nations human rights treaties to fulfil its mandate under the Paris Principles to act as the central medium for ensuring

alignment of the country's legislation and policy as well as performance of key stakeholders in accordance with these frameworks. This includes in particular the opportunities for independent representation for NHRIs, and coordinating national efforts for reporting and shadow reporting, as well as relevant capacity development of both duty bearers and rights holders on such aspects.

2.1 To ensure institutional relevance and effectiveness, as well as impact, and in line with the recommendations above, ICHR should consider the following fundamental change of direction:

Firstly, ICHR should shift from documentation of human rights statistics towards increased qualitative and substantial analysis of patterns of human rights incidents and their systemic dimensions, including shifts in these. These findings, enabled by the MIS system, should be utilised for ICHR's reporting and, ultimately, advocacy for improvement of law and policy, in the fulfilment of their NHRI mandate.

Secondly, ICHR should consider moving from a generalist and functional to a thematic focus across the institution. This should include aligning the organisational work along the two main themes of civil and political and economic and social rights. Ultimately ICHR could consider moving toward further diversification into an organisational structure reflecting the key fields reflected by the human rights treaties to which Palestine is now party. This implies also to ensure that core expertise is available across the organisation, i.e. across complaints handling, monitoring, research and analysis and advocacy.

Thirdly, ICHR must transform the institutional approach from a narrow media to a broader communication focus, in order to promote its specific institutional "brand" (see above under EQ 1) and to support efforts to raise public awareness on human rights and the role of ICHR. This shift should be underpinned by a communication strategy, supplementing e.g. the outreach strategy, to be developed. It must reflect a broad perspective and i.e. not just include news and storytelling, but also proactively apply ICT-based tools including web and social media, as well as publications. This should be done with a view to ensuring accessibility as means of disability mainstreaming. It is also advised that the ICHR reviews its social media strategy and benefit from recommendations strategy/evaluation of media landscape commissioned by the ICHR in 2018

2.2 To enable ICHR to act from a fact basis in these capacities, data collection through complaints and monitoring must have a strong qualitative dimension. To do so, all data collection from the field offices up to the capacity development and awareness raising as well as research and analysis sections must be geared to provide the necessary data. This further necessitates a smooth flow of data from the field offices up to the section for research and analysis, with direct access between the two levels in a way that minimises bureaucracy.

2.3 In line with the previous recommendation, the database under development should be designed with a view to ensuring that it can support a broader dimension of data collection necessary for research and analysis, allowing ICHR to operate fully fact-based from a qualitative perspective. This means that the relevant sections of the ICHR, including also e.g. M&E, research and analysis are involved in the design process.

2.4 The following steps should be taken to further strengthen ICHR's efficiency:

Consolidating the institution in its daily work in such a way that direct dependence on the presence of the top management is reduced, as well as better use of the cross-cutting expertise. First and foremost, there is a need for trimming the institution to reduce bureaucracy and long chains of command, and to ensure greater transparency with respect to mandates and functions especially

at the leadership level, for instance formalising de facto responsibilities and mandates.

As a consequence of a), undertake general overhaul of the organogram and a review of functions at all levels; and review and revise relevant internal manuals and guidelines accordingly.

Increase the capacity of ICHR to identify and utilise the most relevant international, regional and national expertise for their work.

2.5 To ensuring increased institutional capacity, a number of steps should be taken by ICHR:

Upgrading internal human resource focus and capacity, including the establishment of a strong focal point within the organisation. Its focus should include strategically designed general and specialised internal staff capacity development planning; in particular for field staff a regular mechanism for debriefing and expertise in dealing with trauma; as well as to ensure updated staff policy to reflect a higher degree of trust and outcome-based performance assessment as well as for e.g. work hour flexibility. In particular, management and core responsible staff need to reflect clearly an understanding that “monitoring” related to MEL (see below) should apply to indicators rather than individuals and not be directly linked to individual staff performance.

Increasing staff at the qualitative level. Key areas for hiring of additional staff would include the areas of human resource; capacity development and awareness raising; communication; and potentially research/analysis linked to key expertise areas, to the extent that such capacity cannot sufficiently be achieved through alliances with external stakeholders/civil society and academia or from Commissioners.

Increase training and capacity development of staff. This should be strategically driven and correspond to identified institutional needs. include both a general approach, ensuring that all staff members have at least basic capacity in human rights, including full understanding of the Paris Principles and the specific distinction of a NHRI, and the basics of M&E; and specific training needs. In terms of the latter, the leadership of each section of the organisation has the responsibility to ensure that their staff, as a team, possess the necessary skills and qualifications to perform their functions, and to upgrade this as necessary.

d) The body of Commissioners should be utilised better in terms of identifying on an individual basis their areas of expertise and soliciting their deeper engagement with the, for each of them, most relevant areas of the organisation so as to better draw on their capacity.

2.6 In terms of institutional sustainability, the accurate positioning of ICHR (see EQ 1 above) within the institutional human rights landscape in Palestine must be utilised to ensure that the institution continues to be solidly anchored as a respected and unique human rights actor in the view of all other stakeholders in the country.

2.7 With respect to financial sustainability, on the one hand this is currently out of the hands of the ICHR in terms of national funding and in consideration of the firm commitment of the current donor consortium to continued funding. On the other hand, the long-term effort of capacity development particularly in the results-based management as well as tracking, documenting and communicating results and impact should be utilised to ensure that, in a longer time perspective, the ICHR can undertake independent fundraising from other sources.

2.8 Finally, in terms of risk management, the ICHR should systematically apply their own risk matrix as an aspect of results-based management. In terms of its staff, particularly those working at the

forefront of ICHR's presence on the ground throughout all of Palestine, the increased focus on staff well-being (Recommendation 2.5) and a professionalised approach to crisis and trauma related work must include all relevant staff and office security aspects.

3.1 ICHR should increase efforts of mainstreaming gender, children and disability as visible cross-cutting aspects throughout the institution, including in results-based management and internal engagement with staff, and in relation to the thematic focus of work. This includes detention monitoring and complaints handling, where it must be ensured that the data collection instruments are geared to reflect each of these aspects sufficiently. Furthermore, in terms of awareness raising and capacity building, the latter in particular must include training for relevant duty bearers and civil society on how to reflect these dimensions in line with Palestine's domestic and international obligations. With respect to research and analysis, the section should have access to the necessary capacity to address all three areas at a qualitatively high level. Finally, with respect to policy and international engagement, reporting and similar efforts should reflect all of the above as appropriate for a NHRI.

3.2 With respect to economic, social and cultural rights, ICHR should consider exploring which aspects of these are most at risk in Palestine, with a particular focus on those which can be addressed through remedial action by the PA (i.e. beyond measuring and documenting the impact of the Israeli occupation on these rights areas), and reflect these in the new SP under separate outcomes. Following this identification of strategic focus, similar steps as those identified in relation to the mainstreaming of gender, children and disability should be taken.

4.1 In terms of capacity development and awareness raising of key stakeholders, and in line with a MEL approach emphasizing organisational learning and thematic specialisation, ICHR should ensure both needs assessment, evaluation and feedback to and from participants and facilitators, as well as the time for institutional reflection on lessons learned, which can form the basis for continued optimization of the capacity development efforts. Furthermore, the materials supporting the capacity development should be upgraded to a form where they can be made generally available for other stakeholders to use for knowledge transfer, not least with a view to engage in increased Training of Trainers as reflected in the Outreach Strategy.

5.1 ICHR should review the recommendations from the 2016 Evaluation, in particular Recommendations 2,3,4, and 6; 7; 12; 18; 24; 26; 28 and 29; 34, 35, 36; and 40; and consider how they can still contribute towards the ongoing improvement of the work of the ICHR in line with the recommendations of the current evaluation.

6.1 ICHR should strengthen the institutional approach to results-based management at all levels, aimed at institutionalising an appropriate culture of Monitoring, Evaluation and Learning (MEL). This includes:

Developing the capacity for strategic thinking at all levels of the organisation as appropriate. This includes that all staff possess at least basic understanding of core elements, including the design of logical frameworks. This should be facilitated through internal capacity development including accessible guiding material. Furthermore, staff involved in activity development should have the opportunity to enhance their learning in this area further.

Developing frameworks of appropriate qualitative indicators for all core functions, including complaints and monitoring, and apply these actively to track progress towards achievement of goals;

Ensuring that tools applied in the different areas of ICHR's work support such a qualitative approach, including database development (Recommendation 2.3).

6.2 The strategy for the period 2020-2022 to be developed for the next period should be used as a key medium for the implementation of the recommendations above. This should include revision of the overall LF and further development of the Output and Indicator dimensions, towards a greater focus on qualitative aspects, with a better balance between different rights areas, and a strengthening of the focus on vulnerable groups.

### **External Evaluation 2016 Recommendations**

Recommendation 1: ICHR should develop key institutional messages relating to perceptions about human rights and Palestinian cultural, and integrate Palestinian culture into all awareness raising programs.

Recommendation 2 :To ensure that its public awareness work is as effective and efficient as possible, ICHR should review the impact of its awareness programs and activities with a view to withdrawing from programs and activities that do not have a significant impact on knowledge of and attitudes towards human rights.

On the basis of the review ICHR should develop priorities and guidelines for conducting and participating in public awareness programs and activities, directing them as a priority towards the most vulnerable and most marginalised groups in Palestinian society.

Recommendation 3: ICHR should support the human rights awareness raising work of other organisations by making its expertise available in the development of awareness programs, by providing human rights materials and providing logistic support for the awareness activities where appropriate and possible.

Recommendation 4: ICHR should undertake a quality review of its training services to ensure that they are of a good professional standard and are effective in changing behaviour and attitudes.

Recommendation 5: ICHR should agree, through the Human Rights Council, on a division of work between itself and NGOs for human rights training, with a possible split for consideration being that ICHR take responsibility for the training of public officials (duty bearers) and NGOs take responsibility for training other NGOs and community organisations.

Recommendation 6: ICHR should give priority to Training of Trainers so that its expertise in human rights training is used to increase the number of human rights trainers and the amount of training being undertaken in Palestine.

Recommendation 7: ICHR should link its advocacy priorities to its own investigations, research, detention centre visits and complaint handling work, so that it advocates on the basis of its well-founded investigation and research findings.

Recommendation 8: ICHR should conduct more investigations through public hearings, for example as part of a national inquiry, to increase the effectiveness of its advocacy work.

Recommendation 9: ICHR should pursue, with the President's Office and the Prime Minister's Office, the establishment of a tripartite committee to examine and promote implementation of ICHR recommendations.

Recommendation 10: ICHR should undertake a participatory audience analysis to be incorporated into the existing communications plan, identifying new and innovative forms of communication.

For example, it should develop blogs pages where staff can share stories and successes and increase public awareness of ICHR and its work.

Recommendation 11: ICHR should introduce regular internal communications for all staff highlighting good practice and success stories.

Recommendation 12: ICHR should revise its complaint handling procedures to emphasise

- a strategic, focused approach to prioritising, investigating and attempting to resolve complaints
- the identification of priority complaints on or soon after intake, according to clear, publicly available criteria
- the prompt informal handling of complaints to enhance the chances of an early resolution
- active investigation of complaints that are not referred or resolved
- the collection of complaints based on ICHR's thematic priorities and strategies
- increased decentralisation of decision making in relation to complaint handling.

Recommendation 13: As internal complaint sections within government ministries and agencies become more effective, ICHR's approach to complaint handling could move towards having three basic components:

- deal directly and promptly with complaints that have priority due to the severe and urgent nature of the human rights violations alleged or the presence of major systemic issues
- refer as many other complaints as might be appropriate to relevant complaints units in Ministries and other official agencies
- undertake regular oversight of the work of complaints units in Ministries and other official agencies, including monitoring the handling of individual complaints referred by ICHR.

Recommendation 14: As part of the preparation for the accession to OPCAT, ICHR should undertake two types of visit to detention centres:

- visits for the investigation or collection of complaints
- preventive visits to inspect and monitor conditions and practices of a systemic nature.

Recommendation 15: ICHR should anticipate and prepare for accession to the OPCAT by the State of Palestine by building up its expertise and experience to perform the responsibilities of the National Preventive Mechanism, including through the creation of an internal monitoring manual and the development of a program of preventive inspections.

ICHR should give priority in visiting detention centres to the rights of children, women, people with disabilities and detainees from other vulnerable groups. It should ensure that all juveniles in detention are visited regularly so that their wellbeing is monitored and advanced.

Recommendation 16: ICHR should ensure it has the relevant expertise to conduct an effective program of preventive inspections of places of detention through contracting independent professionals on a needs basis, including, but not limited to, a forensic physician.

Recommendation 17: ICHR should ensure its right and ability to make both scheduled periodic visits and unannounced visits to all detention centres in Palestine.

Recommendation 18: ICHR should give greater priority to investigating possible violations of human rights that are serious and systemic and affect particularly those groups that ICHR recognises are priorities for its work. It should adopt clear criteria for determining whether to conduct an investigation, either in response to a complaint or on its own initiative.

Recommendation 19: ICHR should cooperate with ministries and other governmental agencies and with NGOs in a program to analyse and review legislation to ensure compliance with Palestine's human rights obligations under the human rights treaties.

Recommendation 20: ICHR should undertake analysis of the annual PNA budget and of other government initiatives with implications for economic, social and cultural rights.

Recommendation 21: ICHR should seek further legal advice and have further discussions with the High Judicial Council on whether courts in Palestine could be assisted by ICHR acting as amicus curiae to make submissions on human rights issues in appropriate cases.

If there is a means by which this is possible, ICHR should develop internal policies and procedures for its exercise of the role, including:

- identifying cases in which human rights are relevant and the amicus role might be exercised
- setting priorities for types of cases in which it would be appropriate for ICHR to exercise its amicus role
- setting priority human rights issues for the amicus role
- establishing criteria for decision making on whether to apply to intervene as amicus curiae in a particular case.

Recommendation 22: ICHR should give further consideration to conducting a national inquiry into a systemic pattern of human rights violation in Palestine as part of its next strategic plan and seek technical assistance from the APF for a national workshop on conducting a national inquiry.

Recommendation 23: ICHR should encourage the State of Palestine to accede to key human rights treaties and provisions of treaties to which it is not yet a party, particularly OPCAT, 2nd OP to ICCPR (on the death penalty) and the communications provisions under the various treaties.

Recommendation 24: ICHR should work with ministries and other government agencies and with CSOs to develop a program and plan for implementation of treaty obligations and a monitoring system for implementation.

Recommendation 25: ICHR should engage with all the treaty body reporting processes, particularly the preparation and filing of its own shadow reports.

Recommendation 26: ICHR should seek to increase its engagement with the UN Human Rights Council to draw better international attention to the human rights situation in Palestine and the impact of the Occupation on the ability of the PNA to fulfil the rights of Palestinian citizens. It should encourage the State of Palestine to seek to participate voluntarily in the Universal Periodic Review.

Recommendation 27: ICHR should monitor the impact of the Israeli military occupation on Palestinian human rights, identify where the PNA is not taking adequate action to address the violations and use international advocacy as a tool for redress.

Recommendation 28: The Board of Commissioners should ensure the implementation of the provisions in the By-laws for the election and terms of office of Commissioners.

Recommendation 29: The Board of Commissioners should adopt a formal governance policy document to implement and supplement the By-laws by codifying the roles and responsibilities of the Board of Commissioners, the Commissioner General and other Commissioners individually, the Executive Office, the Director General and the Executive Team.

Recommendation 30: The Executive Team should meet weekly with a focus on events for the coming week. Regional Managers should meet monthly to discuss common issues and challenges.

A Joint Committee of the Executive Team and the Regional Managers should meet monthly for exchange about activities, oversight of implementation of the Strategic Plan and annual activity plans, and decision making on key projects.

ICHR should involve field researchers and legal researchers in strategic planning and annual activity planning and in the shaping of major projects.

A full staff meeting should be held on an annual basis.

Recommendation 31: ICHR should amend the current Central Office staffing structure by

- increasing professionalization of the training function by having the department focusing on training alone, with public awareness and advocacy being transferred into other departments
- incorporating public awareness and media relations into a new communications department
- incorporating advocacy either into an expanded Analysis, Research and Policy Department or an expanded communications department.

Recommendation 32: ICHR should further its decentralisation policy by enhancing the authority of regional offices to decide, within the Strategic Plan and the broad policy set by the Board of Commissioners, the strategy and management of individual complaints, the program of training activities and the allocation of resources (officers and budget) within the region.

Recommendation 33: The current strategic plan should be ended at the end of 2016 and replaced by a new three-year strategic plan for 2017 to 2019. The new strategic plan should be developed through a broad process of community and staff consultation to identify human rights priorities, both by issue and by group. The new strategic plan should

- be short and simple to read and understand
- have clear objectives
- set priorities
- provide a small number of meaningful, measurable performance indicators that are directly related to the strategic objectives.

Recommendation 34: ICHR should establish a human resources specialist position within the administration and finance department to increase the priority of personnel issues, including

- developing and implementing an effective, credible scheme for annual performance appraisal and staff development for each staff member
- reviewing individual job descriptions on a regular basis
- undertaking an annual review of classifications, remuneration and other conditions of employment.

Recommendation 35: ICHR must, in consultation with all staff, develop and adopt policies on how to respond to emergencies when they encounter them and on dealing with situations where staff are injured, assaulted, threatened or arrested. ICHR must, in consultation with staff, ensure the provision of psychological support for staff. ICHR should also provide staff with brightly coloured, high visibility vests and require staff to wear the vests in potentially or actually dangerous situations.

Recommendation 36: ICHR should explore and pursue every possibility of ensuring that Gaza staff have access to training and development opportunities outside and inside Gaza.

Recommendation 37: ICHR should complete the development of a new staff performance appraisal scheme for introduction as soon as possible after the end of 2016. The new scheme should be based on frank exchanges of perspectives by supervisors and the staff they supervise to identify achievements and challenges and to map out a personal development plan for each staff member for the following year. The new scheme should not be linked to rewards and punishments, which should be the subject of a parallel incentives scheme.

Recommendation 38: ICHR should immediately re-activate the pre-2016 complaint database and provide access to all staff involved in complaint handling.

Recommendation 39: ICHR should either repair and upgrade DMIS or develop a new custom-built internal database with the following minimum functionality:

- complaints handling system with prioritisation feature
- data collection for all ICHR activities
- disaggregated reporting for all ICHR activities
- universal staff access.<sup>55</sup>

Upon completion of development, a period of user testing should be undertaken before the system is implemented and full staff training conducted.

Recommendation 40: ICHR should establish an internal audit and quality assurance committee to identify priorities for internal reviews of effectiveness and efficiency in areas of ICHR's work to ensure steady improvement in the quality of procedures and the effectiveness of results. The committee could also consider the reports of internal audit and other reviews and oversee implementation of recommendations accepted by ICHR. The committee could consist of the Commissioner General, the Assistant Commissioner General Gaza, one other Commissioner from the Executive Office, the Director General and the Internal Auditor.

### **GANHRI SCA Report Recommendations**

GANHRI.1 The SCA encourages the ICHR to continue to address human rights issues in an active manner.

GANHRI.2 The ICHR is encouraged to continue to actively engage with the OHCHR, GANHRI, the APF, other NHRIs, as well as relevant stakeholders at international, regional, and national levels in order to continue strengthening their institutional framework and working methods.

GANHRI.3 The SCA encourages the ICHR to continue to engage with the Palestinian Authority for the adoption of an enabling law in line with the Paris Principles, once the Palestinian Legislature is operational.

GANHRI.4 The SCA notes that there is gender imbalance in ICHR staff composition. Currently, only 36% of staff are women, and all regional managers are men. While the SCA appreciates that a gender audit was recently carried out, it encourages the ICHR to implement the recommendations of this audit to address the gaps in order to better represent the society it serves. The SCA acknowledges also that in vacancy announcements, women, persons with disability and representatives of minorities are encouraged to apply.

GANHRI.5 The SCA encourages the ICHR to continue to take steps to ensure pluralism, including appropriate gender balance, in its staff component.

